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THE COUNCIL OF THE CITY OF NEW YORK

COMMITTEE REPORT OF THE LEGISLATIVE DIVISION

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COMMITTEE ON GENERAL WELFARE
Hon. Diana Ayala, Chair
COMMITTEE ON PARKS AND RECREATION
Hon. Shekar Krishnan, Chair
COMMITTEE ON HEALTH
Hon. Lynn Schulman, Chair

October 16, 2025

Oversight: *The Hart Island Capital Plan*

Int 1408-2025

By Council Member Ayala

TITLE

A Local Law in relation to a study and report on burial capacity on Hart Island

Res No. 0775-2025

By Council Members Louis, Cabán, Brooks-Powers, Ossé, Banks, Feliz, Riley, Narcisse, Hanif, De La Rosa, Schulman, Mealy, Williams, Gutiérrez and Ayala

TITLE:

Resolution urging New York State to increase the funeral cost limit of burial services for low-income residents of New York from \$3,400 to \$6,000.

I. Introduction

On October 16, 2025, the Committee on General Welfare, chaired by Deputy Speaker Diana Ayala, jointly with the Committee on Parks and Recreation, chaired by Council Member Shekar Krishnan, and the Committee on Health, chaired by Council Member Lynn Schulman, will hold an oversight hearing on The Hart Island Capital Projects Proposal. The Committees will also hear Introduction (Intro.) Number (No.) 1408-2025, sponsored by Deputy Speaker Diana Ayala, in relation to a study and report on burial capacity on Hart Island, and Resolution (Res.) No. 0775-2025, sponsored by Council Member Farah Louis, urging New York State to increase the funeral cost limit of burial services for low-income residents of New York from \$3,400 to \$6,000.

Those invited to testify include representatives from the New York City Department of Social Services (DSS), The New York City Department of Parks and Recreation (DPR), the Office of the Chief Medical Examiner (OCME), advocates, and other members of the public.

II. History of Hart Island

Hart Island is a 100-acre island located in the Long Island Sound sandwiched between the mainland of the Bronx and Nassau County, Long Island.¹ It is situated next to City Island, another island also off the coast of the Bronx.² The land was originally inhabited by the Siwanoy indigenous peoples, and in 1654 was purchased by a man named Thomas Pell who used it as a site to host bare-knuckle boxing matches.³ In subsequent years, the Island transferred ownership several times and was used in a multitude of distinct ways.⁴ For example, during the Civil War, it was used as training grounds and barracks for Black Union troops, and at the end of the war as a

¹ New York City Department of Parks & Recreation, “Hart Island”, *available at*: <https://www.nycgovparks.org/parks/hart-island/> (last visited Oct. 1, 2025).

² *Id.*

³ Serena Dresslar, “Land of the Unknown: A History of Hart Island”, *New York Public Library* (Jan. 6, 2021), *available at*: <https://www.nypl.org/blog/2021/01/07/land-unknown-history-hart-island> (last visited Oct. 1, 2025).

⁴ *Id.*

burial ground for Union army soldiers.⁵ The land was also used as a reform school, a psychiatric hospital, and a quarantine site during the yellow fever epidemic.⁶

In 1868, New York City (NYC or “City”) purchased Hart Island and in 1869 began to use it as a public cemetery for people whose remains went unclaimed after their death and those without the means to afford private burial.⁷ At the same time as the City was using the Island as a public burial ground, other sections of the Island were used by a variety of institutions including, the U.S. Armed Forces, the New York City Department of Correction (DOC), and what was known then as the New York City Department of Welfare.⁸ In 1977, regular ferry service to Hart Island ended, which led to the island’s abandonment and subsequent return to DOC operations.⁹ Under the DOC’s command, Rikers Island inmates worked as both pallbearers and gravediggers on Hart Island and were compensated 50 cents an hour for their labor.¹⁰

In the 1980s and 90s, thousands of New Yorkers who succumbed to AIDS were buried on the Island.¹¹ A report by the New York Times postulated that the Island is “perhaps the single largest burial ground in the country for people with AIDS.”¹² Due to the intense stigmatization of AIDS at the time, victims were buried deep underground in individual graves, to avoid contact with other people, in isolated, remote areas of the Island’s southernmost tip.¹³ In 1991, the City officially ended all other uses of the island except as a public cemetery.¹⁴ The 21st century

⁵ *Id.*

⁶ *Id.*

⁷ New York City, “Hart Island”, available at: <https://www.nyc.gov/site/hartisland/hart-island/hart-island.page> (last visited Oct. 1, 2025).

⁸ New York City Department of Correction, “City Cemetery Hart Island (Potter’s Field)”, available at: <https://www.correctionhistory.org/html/chronicl/nycdoc/html/hart.html> (last visited Oct. 2, 2025).

⁹ John Freeman Gill, “Hart Island Timeline”, *The New York Times*, (July 15, 2021), available at: <https://www.nytimes.com/2021/07/16/realestate/hart-island-timeline.html> (last visited Oct. 2, 2025).

¹⁰ *Supra*, note 3.

¹¹ Corey Kilgannon, “Dead of AIDS and Forgotten in Potter’s Field”, *The New York Times* (July 3, 2018), available at: <https://www.nytimes.com/2018/07/03/nyregion/hart-island-aids-new-york.html> (last visited Oct. 2, 2025).

¹² *Id.*

¹³ *Id.*

¹⁴ *Supra*, note 7.

brought with it the continued erosion of the Island's surface, and deterioration of its seawall.¹⁵ This was largely caused by storms, such as Hurricane Sandy.¹⁶ This unchecked damage to Hart Island led to the unearthing and exposing of the skeletal remains of those buried on the Island.¹⁷ In 2019, the New York City Council enacted Local Law 210 that amended the administrative code of the city of New York to transfer control over Hart Island from the DOC to the New York City Department of Parks and Recreation (DPR) to administer the land as a public park, and effectively ending the use of prison labor on the Island.¹⁸ The Human Resources Administration (HRA), however, runs the burial operations, and an inter-agency memorandum of understanding was executed in 2021 that outlined the transfer of power between the HRA and the DOC.¹⁹

III. Current Administration of Hart Island

a. DPR

Pursuant to Local Law 210 of 2019, jurisdiction over Hart Island was transferred from the DOC to the DPR. The transfer took effect in 2021 and since then the DPR has been engaged in implementing various improvements to the island such as allowing for a more accessible gravesite visitation process and leading interpretive tours for the general public by the DPR's Urban Park Rangers.²⁰

b. HRA

The HRA Office of Burial Services (OBS) was established as a requirement of Local Law 213 of 2019. Local Law 213 required the Department of Social Services (DSS) to establish

¹⁵ Danny Lewis, "Erosion on Hart Island Exposes Human Remains", *WNYC*, (Apr. 23, 2018), available at: <https://www.wnyc.org/story/erosion-hart-island-exposes-human-remains/> (last visited Sept. 7, 2025).

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ "Council Votes to Make New York City's Public Burial Ground More Accessible to Families of the Deceased", *New York City Council*, (Nov. 14, 2019), available at: <https://council.nyc.gov/press/2019/11/14/1833/#:~:text=City%20Hall%20%E2%80%93%20The%20New%20York,profit%20developers%20of%20residential%20projects> (last visited Oct. 7, 2025).

¹⁹ *Supra*, note 7.

²⁰ Press Release of the New York City Parks Department, *NYC Parks Unveils Concept Plan for Future of Hart Island*, July 14, 2025, available at <https://www.nycgovparks.org/news/press-releases?id=22246>

OBS to provide support and assistance to individuals who have lost a loved one and need information about and help accessing public burial, a burial allowance, or any similar program.²¹

The OBS is currently managed under HRA, with the following contact information:²²

33-28 Northern Blvd. (3rd Floor)
Long Island City, NY 11101
Telephone: 929-252-7731²³

The OBS also has a website, which is updated with burial assistance information and resources.²⁴ The HRA's role includes providing and arranging burial assistance for those in need and working with the DPR to ensure dignified burials and the preservation of the island, which serves as a resting place for vulnerable New Yorkers.²⁵

In NYC, there are alternatives outside of a Hart Island burial for those without the means to be buried. One alternative is accessing funds from the HRA, which provides financial assistance to individuals in need of support to meet funeral expenses, including burial expenses.²⁶ These funds are available when a resident of NYC dies without leaving funds to cover their burial expenses and there are no relatives or friends willing or able to pay the funeral expenses.²⁷ Proof of the inability to cover burial expenses and eligibility for support includes an application that is reviewed by the OBS.²⁸ The application can be submitted by mail, e-mail or fax.²⁹

²¹ Local Law 213 of 2019, available at <https://nyc.legistar.com/LegislationDetail.aspx?ID=3957965&GUID=F9169B59-9565-4CDC-9D12-73C20E289E07&Options=&Search=>.

²² "Burial Assistance," HRA Website, available at <https://www1.nyc.gov/site/hra/help/burial-assistance.page>.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ HRA Application for Burial Allowance, available at https://www1.nyc.gov/assets/hra/downloads/pdf/benefits/burial_claim_app_en.pdf.

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

Prior to the COVID-19 pandemic, the HRA would pay up to \$900 towards a funeral that costs no more than \$1,700.³⁰ To address the impact of COVID-19, the HRA increased the burial allowance from \$900 to \$1,700 and increased the cap on burial costs from \$1,700 to \$3,400.³¹ Also in response to the COVID-19 pandemic, the Federal Emergency Management Agency (FEMA) began providing financial assistance for funeral expenses incurred after January 20, 2020 for deaths related to COVID-19.³² To be eligible for funeral assistance, the applicant must be a U.S. citizen, non-citizen national, or qualified alien who incurred funeral expenses after January 20, 2020 for a death attributed to COVID-19.³³ This assistance is limited to a maximum financial amount of \$9,000 per funeral and a maximum of \$35,500 per application.³⁴

c. The Department of Health and Mental Hygiene

The Department of Health and Mental Hygiene (DOHMH) has limited jurisdiction over matters involving Hart Island, with the agency's primary involvement being through burial and disinterment permits and the issuance and maintenance of death certificates.³⁵ Acting pursuant to the New York State Sanitary Code and the NYC Health Code, the DOHMH issues permits for burials and for the disinterment of bodies, including those at Hart Island.³⁶ Disinterment may be made "only to funeral directors and undertakers" in possession of a death certificate for the deceased individual.³⁷ Application for a disinterment permit may be made on a DOHMH-provided form and submitted at a DOHMH office.³⁸ The disinterment application must be

³⁰ *Id.*

³¹ *Burial Assistance and COVID-19*, NYC Human Resources Administration Department of Social Services, available at <https://www1.nyc.gov/site/hra/help/burial-assistance.page#>.

³² *FEMA to Help Pay Funeral Costs for COVID-19-Related Deaths*, FEMA, available at <https://www.fema.gov/press-release/20210324/fema-help-pay-funeral-costs-covid-19-related-deaths>.

³³ *COVID-19 Funeral Assistance*, FEMA, available at <https://www.fema.gov/disasters/coronavirus/economic/funeral-assistance>.

³⁴ *FEMA to Help Pay Funeral Costs for COVID-19-Related Deaths*, FEMA, available at <https://www.fema.gov/press-release/20210324/fema-help-pay-funeral-costs-covid-19-related-deaths>.

³⁵ Health Code §§ 205.03, 205.09, 205.21, 205.27.

³⁶ P.H.L. § 4145; Health Code § 205.21.

³⁷ Health Code § 205.27.

³⁸ *Id.*

supported by an affidavit from the person in control of disposition or other authorized person requesting disinterment.³⁹ No disinterment permit is required when the disinterment is ordered by the Office of the Chief Medical Examiner (OCME) or by a district attorney within NYC within the exercise of official duties.⁴⁰

The DOHMH issues death certificates for all deaths that occur in NYC, including those of individuals who are buried at Hart Island.⁴¹ Death certificates are available after a person's death has been reported by a medical facility and the case has been registered with the DOHMH.⁴² Death certificates may be ordered online, by mail, or in person.⁴³ All hospitals, skilled nursing facilities, and hospices that report 10 or more deaths to the DOHMH per year are required to electronically prepare death certificates and confidential medical reports and file such documents electronically with the DOHMH within 24 hours after the death or finding of remains.⁴⁴

When human remains which have been removed to the City cemetery at Hart Island are claimed by a family member or next-of-kin, the NYC Health Code prescribes that the City cemetery "shall deliver the remains, on demand, to a funeral director or undertaker who submits a written statement that he or she, or the funeral establishment with which he or she is associated, has been employed by the person in control of disposition."⁴⁵ Together with the remains, the City cemetery must deliver the certificate of death and confidential medical report, if any, or, if such

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ Health Code § 205.03.

⁴² *Id.*

⁴³ DOHMH, *Birth and Death Records: Death Certificates*, <https://www.nyc.gov/site/doh/services/birth-death-records-death.page> (last accessed Oct. 6, 2025).

⁴⁴ Health Code § 205.03(d).

⁴⁵ Health Code § 205.17.

documents have been filed with the DOHMH, any permit issued by the DOHMH authorizing burial in the City cemetery.⁴⁶

d. OCME

The City Charter establishes the OCME as an independent agency responsible for investigating all deaths of persons in the city that result from criminal violence, accidents, suicide, sudden occurrences while in “apparent good health,” unattended by a physician, in correctional facilities, or any unusual or suspicious circumstances.⁴⁷ In addition to determining cause and manner of death, OCME oversees the custody and disposition of remains within the city.⁴⁸ Working in coordination with the DPR and the HRA, the OCME plays a central role in the management of unclaimed and unidentified remains that may ultimately be interred on Hart Island.⁴⁹

When a death falls under OCME jurisdiction, the body is transported to OCME facilities, where staff register the case, assign a Medical Examiner (ME) number, and initiate an investigation.⁵⁰ If the identity of the deceased is unknown, OCME’s Identification and Outreach Unit collects fingerprints, dental records, radiographs, DNA samples, and personal effects, and compares these against missing-persons databases such as NamUs and CODIS.⁵¹ At the same

⁴⁶ *Id.*

⁴⁷ Deaths that fall under OCME’s jurisdiction include “bodies of person dying from criminal violence, by accident, by suicide, suddenly when in apparent health, when unattended by a physician, in a correctional facility or in any suspicious or unusual manner or where an application is made pursuant to law for a permit to cremate a body of a person.” Charter § 557(f)(1).

⁴⁸ NYC OCME, *Serving Families Brochure*, (Feb. 2025), available at: https://www.nyc.gov/assets/ocme/downloads/pdf/OCME_ServingFamiliesBrochure.pdf (last visited Oct. 7, 2025).

⁴⁹ NYC Hart Island, “Finding Loves Ones,” available at: <https://www.nyc.gov/site/hartisland/hart-island/finding-loved-ones.page> (last visited Oct. 7, 2025).

⁵⁰ Angela Soler et. al., “Identification investigations: a collaborative approach to the resolution of long-term unidentified persons cases at the NYC Office of Chief Medical Examiner,” *Journal of Forensic Sciences Research*, (July 20, 2024), available at: <https://pmc.ncbi.nlm.nih.gov/articles/PMC11458368> (last visited Oct. 7, 2025).

⁵¹ Angela Soler et. al., “Identification investigations: a collaborative approach to the resolution of long-term unidentified persons cases at the NYC Office of Chief Medical Examiner,” *Journal of Forensic Sciences Research*, (July 20, 2024), available at: <https://pmc.ncbi.nlm.nih.gov/articles/PMC11458368> (last visited Oct. 7, 2025); NYC OCME, “Identification,” available at: <https://www.nyc.gov/site/ocme/for-families/identification.page> (last visited Oct. 7, 2025).

time, the OCME Family Outreach Unit works to locate and notify next of kin using database searches, police records, and field outreach.⁵² If no identification or family contact can be made, the case is reviewed by the OCME Identification Review Committee to determine whether further inquiry is warranted or whether the remains should be released for burial.⁵³

Once a case is designated unclaimed, the OCME prepares the remains for transfer and burial at Hart Island.⁵⁴ Although the OCME does not perform the burials, the agency maintains comprehensive records linking each ME case number to the burial location and preserves samples and documentation to allow for possible future identification.⁵⁵ Families seeking information about individuals buried on Hart Island may contact the OCME for case records as well as access the Hart Island Cemetery Management Tracking System to locate burial sites.⁵⁶

IV. Parks Capital Plan for Hart Island

On July 14, 2025, the DPR unveiled the Hart Island Concept Plan (“Plan”), which outlines a 20 year vision to make various improvements to the Island.⁵⁷ According to the DPR, the Plan seeks to: 1) create a dignified, safe, and accessible experience for island visitors, 2) maximize the life cycle of Hart Island as New York City's public cemetery and 3) enhance island

⁵² NYC OCME, “Outreach,” available at: <https://www.nyc.gov/site/ocme/for-families/outreach.page> (last visited Oct. 7, 2025); Angela Soler et. al., “Identification investigations: a collaborative approach to the resolution of long-term unidentified persons cases at the NYC Office of Chief Medical Examiner,” *Journal of Forensic Sciences Research*, (July 20, 2024), available at:

<https://pmc.ncbi.nlm.nih.gov/articles/PMC11458368> (last visited Oct. 7, 2025).

⁵³ Angela Soler et. al., “Identification investigations: a collaborative approach to the resolution of long-term unidentified persons cases at the NYC Office of Chief Medical Examiner,” *Journal of Forensic Sciences Research*, (July 20, 2024), available at:

<https://pmc.ncbi.nlm.nih.gov/articles/PMC11458368> (last visited Oct. 7, 2025). Case review by the IRC takes at least one month, but often longer depending on complexity. *Id.*

⁵⁴ *Id.*

⁵⁵ NYC OCME, “Missing and Unidentified Persons,” available at: <https://www.nyc.gov/site/ocme/for-families/missing-and-unidentified-persons.page> (last visited Oct. 7, 2025); Angela Soler et. al., “Identification investigations: a collaborative approach to the resolution of long-term unidentified persons cases at the NYC Office of Chief Medical Examiner,” *Journal of Forensic Sciences Research*, (July 20, 2024), available at:

<https://pmc.ncbi.nlm.nih.gov/articles/PMC11458368> (last visited Oct. 7, 2025).

⁵⁶ NYC Hart Island, “Hart Island – the City’s Public Cemetery,” available at: <https://www.nyc.gov/site/hartisland/index.page>. (last visited Oct. 7, 2025).

⁵⁷ *Id.*

ecological systems and adapt for climate change.⁵⁸ In order to realize those goals, the Plan envisions various projects to enhance the visitor experience, the resilience of the island's features to various climate threats, the island's ecology, and the operations of the island as they relate to effectively coordinating visitor and burial operations.⁵⁹ The Plan states that visitor numbers will not exceed 100 people maximum at one time, based on ferry access constraints that will not change in the near-term.⁶⁰ The Plan includes landscape management recommendations to create new gravesite areas and extend the burial capacity of the island.⁶¹

The project described in the Plan are estimated to cost approximately \$130.1 million, with \$43.4 million for shoreline stabilization, \$12.8 million for sea level rise adaptations, \$18.9 million for improvements to the maintenance and operations area, \$17.7 million for berm construction and infill in the Central Field location and the remainder for various projects, such as improvements to infrastructure for visitors and landscaping.⁶²

Regarding specific infrastructure improvements, the Plan includes developing an approximately 1,300 square foot welcome center with restrooms and seating and implementing adaptive reuse of Hart Island's historic chapel as space for remembrance.⁶³ This would involve stabilizing the structure, removing its roof and possibly creating an interior garden with planters and seating areas where visitors can leave commemorative objects and view salvaged architectural remnants from the island.⁶⁴ A "Remembrance Walk" is also proposed for the west side of the island which will feature a welcoming center building, lawns, shaded seating, and

⁵⁸ New York City Department of Parks and Recreation, *Hart Island Concept Plan*, available at https://www.nycgovparks.org/pagefiles/210/NYC_Parks_Hart_Island_Concept_Plan.pdf. P7.

⁵⁹ *Id* at p 9.

⁶⁰ *Id* at p 8.

⁶¹ *Id* at p 4.

⁶² *Id* at p 13.

⁶³ *Id* at p 10.

⁶⁴ *Id* at p47; Aaron Ginsburg, *NYC Unveils 20-Year Vision to Improve Hart Island*, 6sqft New York City, July 15, 2025, available at <https://www.6sqft.com/nyc-unveils-20-year-vision-to-improve-hart-island/>

quiet reflection areas near the ferry dock for visitors.⁶⁵ The path would lead visitors from the ferry dock through the island's cobblestone walls, through new lawns and shaded seating areas.⁶⁶ The plan also calls for developing a 30,000-square-foot paved maintenance and operations area that features an office building with bathrooms and lockers for staff and a storage facility.⁶⁷

Regarding the resiliency and ecological aspects of the Plan, substantial shoreline stabilization construction is envisioned in order to repair and elevate existing sea walls.⁶⁸ Further, a two-phase, long-term strategy to adapt the central field area for sea level rise is included, along with creating more land suited for additional burials.⁶⁹ A road on the east side of the island would also be elevated to prevent erosion, while aquatic plantings would be placed along the shoreline to establish new wetlands.⁷⁰

In order to inform the development of the Plan, the DPR engaged in various outreach efforts with the public and various stakeholders. A virtual public meeting was held on June 18, 2024 and an online survey was made accessible to the public from May 28, 2024 to July 2, 2024.⁷¹ That meeting was attended by 107 people and the online survey received 116 responses.⁷² The meeting and survey included topics, such as island access, visitor experience, commemoration and dignity and respect.⁷³ Input from the public included suggestions on more opportunities to visit on tours and gravesite visits, a desire for restrooms, shelters, benches and shaded areas throughout the island, and the importance to catering to gravesite visitors.⁷⁴ Another public meeting took place on November 7, 2024, with 140 people in attendance where

⁶⁵ *Id* at p 42-45.

⁶⁶ *Id.*

⁶⁷ *Id* at p11.

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id* at p 30.

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *Id.*

the DPR shared a presentation on project context, existing conditions on the island, a summary of public feedback from the prior public meeting, and proposed concept plan projects.⁷⁵ Specific topics discussed included island access, burial operations, commemoration and funding, and implementation of the projects.⁷⁶

V. Issues related to Burial Space

Hart Island is only around 100 acres and has served as the NYC municipal cemetery since 1869.⁷⁷ More than one million New Yorkers are buried there, and there is concern among advocates about the capacity for the island to continue to serve as a cemetery for New Yorkers.⁷⁸

In 2022, the City commissioned a Land Use and Capacity Analysis of Hart Island to understand possible burial capacity in the near- and long-term future.⁷⁹ The study found that there is land on Hart Island that is not currently being used for burials that would be suitable, and estimated that using this land would create between 7,000 – 10,000 additional burial spaces on the Island (a capacity of eight to twelve years).⁸⁰ The study further found that demolishing all current structures on the island could create up to 35,000 burial spaces (42 – 69 years).⁸¹ The estimates relied on the use of current-at-the-time burial practices which involved digging a trench that is 60 ft by 14 ft, which could hold 150 full sized caskets.⁸² Despite this limit, as of the summer of 2024, there were 200 caskets buried in each trench on Hart Island.⁸³ Advocates have

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ Gywnne Hogan, *NYC Is Burying More Bodies in Each Hart Island Mass Grave*, The City, Sept 4, 2024. Available at: <https://www.thecity.nyc/2024/09/04/hart-island-mass-graves/>

⁷⁸ *Id.*

⁷⁹ 3rdi Technologies, *Land Use and Capacity Analysis at Hart Island*. Dec 7, 2022. Available at: https://hartislandproject-production.s3.amazonaws.com/Final+report_Capacity+Study_20220831_Amended_20221207.pdf

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

⁸³ Gywnne Hogan, *NYC Is Burying More Bodies in Each Hart Island Mass Grave*, The City, Sept 4, 2024. Available at: <https://www.thecity.nyc/2024/09/04/hart-island-mass-graves/>

noted that mass graves can create difficulties for people to locate and visit their loved ones, and is culturally unacceptable to many.⁸⁴

VI. Legislative Analysis

a. Int 1408-2025

Background

A 2022 study commissioned by DSS in response to the aforementioned Local Law 214 of 2019 found that under the current operational procedures for Hart Island burials, capacity would extend for a minimum of 8 years.⁸⁵ Changing procedures by moving burials trenches closer together and adding a fourth level of caskets to each trench would increase capacity to just under 12 years.⁸⁶ Demolishing buildings on Hart Island to free up extra burial space would result in capacity for another 42 years.⁸⁷ Demolishing buildings combined with changing burial procedures as outlined above would increase burial capacity to 69 years.⁸⁸

However, the Hart Island Project (Project), a non-profit organization, released a 2024 study questioning these DSS projections.⁸⁹ The Project proposed a new set of burial procedures: replacing the current mass burials on Hart Island with individual burials which would be placed in soil above the existing trenches of mass graves.⁹⁰ They estimated that this would extend Hart Island burial capacity for 40 years.⁹¹ The Project recommended that afterwards there be “grave reuse” on Hart Island, which would remove capacity concerns.⁹²

Bill Analysis

⁸⁴ *Id.*

⁸⁵ 2022 DSS Hart Island Burial Capacity Study, available at: https://hartislandproject-production.s3.amazonaws.com/Final+report_Capacity+Study_20220831_Amended_20221207.pdf.

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Landscape of Hope - Ending Mass Burials in NYC and Preserving Green Burials on Hart Island*, The Hart Island Project, June 12, 2024, available at <https://vimeo.com/986029797?share=copy>

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.*

This bill would require the commissioner of the DSS, in collaboration with the commissioner of the DPR and any other relevant NYC agency head, to conduct a study to analyze Hart Island's capacity for future public burials under existing burial procedures. The agency heads would have to assess whether the procedures should be changed and develop recommendations if any changes are determined appropriate. Finally, the agency heads would have to submit to the Mayor and the Speaker of the Council, and post online, a report containing the study findings and recommendations. If enacted, the bill would take effect immediately.

VII. Conclusion

The Committees look forward to hearing from the Administration about the operation of Hart Island and the implementation of the Parks Capital plan and any challenges that are anticipated. The Committees also look forward to receiving feedback from both the Administration and advocates on the legislation.

By Council Member Ayala

A Local Law in relation to a study and report on burial capacity on Hart Island

Be it enacted by the Council as follows:

1 Section 1. Hart Island burial capacity study and report. a. Definitions. For purposes of this
2 local law, the terms “agency” and “city” have the same meaning as set forth in section 1-112 of
3 the administrative code of the city of New York.

4 b. Study. The commissioner of social services shall, in collaboration with the commissioner
5 of parks and recreation and the head of any other relevant agency, conduct a study regarding burial
6 capacity on Hart Island. Through such study, the commissioner of social services shall:

7 1. Identify current burial procedures on Hart Island that concern, at a minimum, areas on
8 Hart Island that are currently used for burial, trench placement and dimensions, and the depth and
9 placement of graves and caskets;

10 2. Analyze the capacity for future burials on Hart Island under such procedures;

11 3. Assess whether there should be changes in burial procedures on Hart Island, evaluating
12 at a minimum the capacity for future burials analyzed under paragraph 2 of this subdivision,
13 whether operational changes in current burial procedures on Hart Island should be pursued,
14 whether there are areas on Hart Island that are not currently used for burial but could be suitable
15 for burial, whether demolition of buildings or other changes in the use of land on Hart Island should
16 be undertaken, whether any existing plans to improve public access to Hart Island present barriers
17 to changes in burial procedures on Hart Island, and whether other locations in the city should be
18 identified for public burials; and

1 4. If the commissioner of social services determines that there should be changes in burial
2 procedures on Hart Island under paragraph 3 of this subdivision, develop recommendations
3 pertaining to such changes and justifications for such recommendations.

4 c. Report. No later than 180 days after the effective date of this local law, the commissioner
5 of social services, the commissioner of parks and recreation, and any other agency head
6 participating in the study required under subdivision b of this section shall submit to the speaker
7 of the council and the mayor, and post on their respective agency websites, a report on the findings
8 and recommendations resulting from such study.

9 § 2. This local law takes effect immediately

EH
LS #19735
09/30

Res. No. 775

Resolution urging New York State to increase the funeral cost limit of burial services for low-income residents of New York from \$3,400 to \$6,000.

By Council Members Louis, Cabán, Brooks-Powers, Ossé, Banks, Feliz, Riley, Narcisse, Hanif, De La Rosa, Schulman, Mealy, Williams, Gutiérrez and Ayala

Whereas, The New York City Human Resource Administration's Office of Burial Services currently offers financial assistance of up to \$1,700 for funeral expenses to eligible low-income residents if the total funeral costs do not exceed \$3,400; and

Whereas, According to the National Funeral Directors Association, funeral costs have not risen as fast as the rate of inflation, with the overall rate of inflation over the past two years increasing to 13.6 percent, the median cost of a funeral with a casket and burial increasing only 5.8 percent, and the median cost of a funeral with cremation increasing 8.1 percent over the past two years; and

Whereas, This disproportionately affects low-income New Yorkers by placing an economic burden on a vulnerable community, where according to “Funeral poverty,” by Victoria Haneman, 40 percent of Americans would have great difficulty covering an unexpected \$400 burial expense; and

Whereas, “Cremation is on the Rise in Black and Latino Communities During COVID-19, Funeral Professionals Say,” by Shantel Riley undergirds that the African American community is mostly vulnerable to the funeral cost limit of burial services, especially after the Covid pandemic with some families pushed to financial limits, cremations have become a more affordable choice - The Wisconsin-based National Funeral Directors Association put the median cost of a funeral and burial in the United States at more than \$9,000 in 2019, compare that to about \$2,000 for a cremation or about \$5,000 for a cremation with embalming, a viewing period and a funeral ceremony; and

Whereas, “Rising Funeral Costs Put Pressure on Local Governments,” by Liz Farmer and Matte Quinn states when family members cannot afford to claim a body, the responsibility falls on local governments to handle the remains and there is no comprehensive data on the number of unclaimed bodies in morgues across the country, but low-income New York City residents agree it’s an issue that’s getting worse; and

Whereas, Liz Farmer and Matte Quinn claim that the mere cost of a cemetery niche to store an urn ranges from \$1,900 to \$6,500 in the New York city and a \$900 check from the city is insufficient for covering the cost; and

Whereas, The funeral cost limit creates particular challenges for religious communities, such as Jewish and Muslim residents, whose specific burial practices often exceed this limit; and

Whereas, For many Jews and Muslims, a proper burial is considered an important religious duty, and financial constraints can lead to feelings of distress or guilt if they cannot afford the customary practices; and

Whereas, Urging New York State to increase the funeral cost limit of burial services for low-income residents of New York allows all people to be buried in the dignity of their customs and it is crucial to the New York City Council because it can make it easier for low-income residents of New York City to afford a dignified burial for a loved one; now, therefore, be it,

Resolved, That the Council of the City of New York urges New York State to increase the funeral cost limit of burial services for low-income residents of New York from \$3,400 to \$6,000.

O.O
LS#18726
2/3/2025