



NEW YORK STATE SENATOR

Simcha Felder

Felder Introduces Bill Requiring Cemeteries To Accommodate Same-Day Burials

SIMCHA FELDER June 13, 2013

Senator Simcha Felder (D-Brooklyn) has introduced legislation which will force cemeteries to perform same-day burials even after business hours. Currently, someone who dies after 11:00 A.M. cannot be interred until the next day. When a person passes away on a Friday or just before a holiday, the wait for burial can be as long as two to three days. Such is not the case in neighboring New Jersey, where burials are conducted at any hour for an additional fee.

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“The need for this bill is long overdue,” said Senator Felder. “Countless New Yorkers adhere to a belief system which requires same-day interment for the deceased. This legislation is about redressing a grievance for these citizens and allowing grief-stricken mourners to begin the healing process in a timely way.”

On a recent chol ha'moed Pesach, the funeral of a Torah scholar who died at 11:00 A.M. had to be postponed until the following day. The Long Island-based cemetery where he was to be buried refused to arrange for a grave opening even though sunset was not until after 7:00 P.M.

A similar incident arose with the same cemetery on an erev Sukkot. A respected community member passed away sometime after 11 o'clock in the morning, and initially, cemetery administrators refused to prepare the grave despite the still early hour. This would have significantly delayed interment and forced the family to wait to begin sitting shiva. The cemetery officials eventually relented after being convinced of the urgent need to bury this individual on the same day.

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“It is unconscionable and unfair to cause needless suffering to the grieving family members who are struggling to come to terms with their loss and are looking for closure,” said Rabbi Eliezer Spira, a chevra kadisha member affiliated with the Bais Ha’medrash Chasidei Belz. “In other states, funerals can be conducted promptly and New York State should also afford this same kind of protection to its residents.”

The provisions of Felder’s bill state that cemeteries must be notified at least two hours prior to burial, and the decedent has to be brought to the cemetery at least a half-hour before sundown. If a cemetery is unable to perform the burial, it must provide written justification explaining its inability to do so. A limited, additional fee for the expeditious burial may also be assessed by the cemetery in order to compensate workers for overtime costs.

Felder is expected to begin circulating for sponsors this week.