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HOUSE BILL NO. 1236

Offered January 14, 2026

Prefiled January 14, 2026

A BILL to amend and reenact § 10.1-2211.2 of the Code of Virginia, relating to historical African American cemeteries and graves; qualified organization; Fairfax burial grounds.

Patron—Delaney

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-2211.2 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-2211.2. Disbursement of funds appropriated for caring for historical African American cemeteries and graves.

A. For purposes of this section:

"Fund" means the Historical African American Cemeteries and Graves Fund created pursuant to § 10.1-2211.3.

"Historical African American cemetery" means a cemetery that was established prior to January 1, 1948, for interments of African Americans.

"Qualified organization" means a charitable corporation, charitable association, or charitable trust that has been granted tax-exempt status under § 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, *any authority created pursuant to the Park Authorities Act (§ 15.2-5700 et seq.)*, 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.

B. At the direction of the Director, the Comptroller of the Commonwealth shall draw an annual warrant upon the State Treasurer from any sum that may be provided to the Department in the general appropriation act for the purpose of maintaining qualifying cemeteries and graves pursuant to this section. Any representative of a qualified organization desiring to receive funding from such appropriation for the maintenance of qualifying cemeteries and graves pursuant to this section shall submit an application to the Department on or before May 30 each year. Such appropriations shall be allocated on the bases of both (i) the number of graves, monuments, and markers in a cemetery of African Americans who were alive prior to January 1, 1900, regardless of the date of interment, and (ii) the number of graves, monuments, and markers in a cemetery of African Americans who were born on or after January 1, 1900, and interred in such cemetery prior to January 1, 1948, the dates to be determined by reference to grave markers or, at the discretion of the Director, other historical records. Such number of graves, monuments, and markers, as documented by the qualified organization, shall be multiplied by the rate of \$5 or the average actual cost of routine maintenance of a grave, monument, or marker, whichever is greater, to determine the amount of the allocation. The Department shall determine 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. The Director shall deposit any appropriated funds that are not disbursed during the same fiscal year into the Fund.

IN THE COUNTY OF:	CEMETERY:	NUMBER:
Arlington	Calloway Cemetery	29
	Lomax Cemetery	66
	Mount Salvation Cemetery	29
Buckingham	Stanton Family Cemetery	36
Fairfax	<i>African American Cemetery at Bull Run Park</i>	<i>101</i>
	<i>Enslaved Burial Ground at Bull Run Marina</i>	<i>5</i>
	<i>Enslaved Burial Ground at Ford's Mill</i>	<i>7</i>
Henrico		
	East End Cemetery	4,875
Loudoun		
	African-American Burial Ground for the	44
	Enslaved at Belmont	
	Mt. Zion Old School Baptist Church Cemetery	33
Montgomery		

60		Wake Forest Cemetery	40
61		Westview Cemetery	47
62	Pulaski		
63		New River Cemetery	33
64		West Dublin Cemetery	44
65	IN THE CITY OF:	<i>CEMETERY:</i>	NUMBER:
66	Alexandria		
67		Baptist Cemetery of the African American	28
68		Heritage Park	
69		Contrabands and Freedmen Cemetery	631
70		Douglass Cemetery	83
71		Lebanon Union Cemetery	53
72		Methodist Protestant Cemetery	1,134
73		Penny Hill Cemetery	14
74	Charlottesville		
75		Daughters of Zion Cemetery	192
76	Chesapeake		
77		Cuffeytown Cemetery	52
78	Hampton		
79		Bassette's Cemetery	212
80		Elmerton Cemetery	339
81		Good Samaritan Cemetery	37
82		Pleasant Shade Cemetery	29
83		Queen Street Cemetery	14
84		Tucker Family Cemetery	15
85		Union Street Cemetery	125
86	Harrisonburg		
87		Newtown Cemetery	400
88	Martinsville		
89		Matthews Cemetery	8
90		The People's Cemetery	178
91		Smith Street Cemetery	9
92	Portsmouth		
93		Mt. Calvary Cemetery	266
94	Radford		
95		Mountain View Cemetery	91
96	Richmond		
97		Evergreen Cemetery	2,100
98	Suffolk		
99		Oak Lawn Cemetery	468

C. In addition to any sum provided to a qualified organization as set forth in subsection B, the Director may 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. Funds disbursed under this subsection shall be disbursed at the rate set forth in subsection B.

D. A qualified organization receiving funds shall expend the funds for the routine maintenance of its historical African American cemetery, associated graves, and graves certified by the Department and documented in the Department's cultural resources database and the erection of and caring for markers, memorials, and monuments to the memory of such African Americans.

E. Each qualified organization, through its proper officer, shall after July 1 of each year submit to the Director a certified statement that the funds appropriated to the organization during the preceding fiscal year were or will be expended for the purposes set forth in subsection D. No organization that fails to comply with any of the requirements of this section shall receive moneys allocated under this section for any subsequent fiscal year until the organization fully complies with the requirements.

F. In addition to funds that may be provided pursuant to subsection B or C, any organization that receives funds pursuant to subsection B or C may apply to the Director for a grant to perform extraordinary maintenance, renovation, repair, or reconstruction of any of its historical African American cemeteries and graves. However, a locality that is eligible for funding pursuant to subsection B or C may apply to the Director for such a grant without having received funding pursuant to subsection B or C. A locality's application for the grant shall not preclude another qualified organization from applying for funding pursuant to subsection B or C for the same cemetery or grave. A grant made pursuant to this subsection shall be made from any appropriation made available by the General Assembly for such purpose or from the Fund.

G. Any locality may receive and hold funds drawn pursuant to subsection B or C on behalf of any qualified organization until such time as the organization is able to receive or utilize such funds. No local

124 matching funds shall be required for any grants made pursuant to this section.

125 H. The owner of a historical African American cemetery shall reasonably cooperate with a qualified
126 organization that receives funds pursuant to subsection B or C.

INTRODUCED

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