



TULARE PUBLIC CEMETERY DISTRICT

INTERMENT ELIGIBILITY AND NON-RESIDENT

ELIGIBILITY POLICY

Introduction:

The Tulare Public Cemetery District (the “**District**”) is a California Special District. As such all services provided by the District are regulated by California Health & Safety Code §9000 (“**Public Cemetery Law**” or “**H&S Code**”). As such, all burial permits issued by the District are regulated by the Public Cemetery Law and the District does not have unlimited authority on who may use District services. For the purposes of selling burial plots and other District services, the public, pursuant to Public Cemetery Law, is separated into two principle groups, district residents and non-residents. Depending on whether or not an individual lives within the District’s official boundaries determines whether or not an individual is a “**Resident**”, i.e. someone living within the District’s boundary, or a “**Non-Resident**”, i.e. someone living outside the District’s boundary. Generally, only those Non-Residents that fully comply with one of the listed exceptions below may qualify for burial services at a District facility. Please review the guidelines below and Public Cemetery Law starting with §9060 for relevant State law.

Residency Proof Requirement Policy:

The District **requires** proof of residency to purchase burial rights and determine residency status of the purchaser or deceased, (P.O. Box does not qualify). All documentation used for verification must have the same legal names and addresses as the purchaser or decedent and must be within the last thirty days (30) and/or currently valid. Verification of residency is determined by one item from each category below and is required (all verification documents must be current or as of the date of passing). The District retains the sole and ultimate discretion to determine if the documents provided are adequate and whether additional documentation may be required for further verification. The District retains the right and sole determination to refuse service for any reason.

Category 1: Legal Identification:

1. Valid Driver's License
2. Valid CA State issued Identification
3. Military Identification
4. Other Valid Identification (Discretionary at the option of the District)

Category 2: Legal Residency or Ownership/Tax Payment Proof:

1. Residential lease [rental agreement] which includes the property address, the names of authorized occupants when occupants are specified on the rental/lease agreement.

2. Property tax bill, current
3. Banking statements or home utility bills (not wireless or mobile)
4. Other valid residential identification (Discretionary at the option of the District)
5. Death Certificate to verify address at time of passing.

Interment Eligibility Policy:

For Residents of the District(pursuant to H&S Code §9060):

The District shall limit interment to:

1. Persons who are Residents of the District.
2. Persons who are former Residents of the District and who acquired interment rights while they were Residents of the District.
3. Persons who pay property taxes on property located in the District.
4. Persons who formerly paid property taxes on property located in the District and who acquired interment rights while they paid those property taxes.
5. “Eligible Non-Residents” of the District, as provided below.

For Non-Residents of the District (pursuant to H&S Code §9061):

At the sole and complete discretion of the District, the District may inter a person who is not a Resident of the District or does not pay taxes on property in the District, but is not obligated to. Any Non-Resident must meet one of the following conditions to qualify for District services as an “**Eligible Non-Resident**”:

1. **Family Exception:** A person is an Eligible Non-Resident if the person is a family member of a person who is already interred in a cemetery owned by the District or is a family member of a person who has acquired interment rights in a cemetery owned by the District.

A “family member” is defined, pursuant to H&S Code §9002(f), as any spouse, by marriage or otherwise, domestic partner, child or stepchild, by natural birth or adoption, parent, brother, sister, half-brother, half-sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, first cousin, or any person denoted by the prefix “grand” or “great,” or the spouse of any of these persons.
2. **Former Resident Exception:** A person is an Eligible Non-Resident if all of the following apply:
 - a. The person was a resident of the District or paid property taxes on property located in the District for continuous period of at least five years, a portion of which time period shall have occurred within the 10 years immediately before the person’s death.
 - b. The District receives a written request for the interment of the person from a person who is a resident of the District or who pays property taxes on property located within the District, and the person submitting the written request is not a trustee,

officer, or employee of the District and is not a funeral director or an employee of a funeral director.

- c. The Board of Trustees determines that the cemetery has adequate space for the foreseeable future.

3. Rural Area Exception: A person is an Eligible Non-Resident if all of the following apply:

- a. The person was a resident of this state at the time of death.
- b. There is no cemetery within a radius of 15 miles of the person's residence.
- c. There is no private cemetery nearer to the person's residence than the nearest cemetery owned by the District.
- d. The distances shall be measured in a straight line from the person's residence to the nearest private cemetery and the nearest cemetery owned by the district.

4. Active Service Exception: A person is an Eligible Non-Resident if the person died while either (i) serving in the Armed Forces or the active militia, or (ii) in the line of duty as a peace officer or firefighter, and (iii) the Board of Trustees determines that the cemetery has adequate space for the foreseeable future.

General Interment Policy Provisions:

- 1. Non-Residents purchasing District services are required to pay any Non-Resident fees adopted by the District. (*H&S Code §9068*)
- 2. No title or ownership to property is conveyed by any District contract, only a limited right to the use of District property pursuant to District policies. (*H&S Code §9069.20*)
- 3. If the owner of an interment right dies without making a valid and enforceable disposition of the interment right by a will or otherwise, the interment right shall pass according to the laws of intestate succession. (*H&S Code §9069.25*)

The foregoing policy was adopted upon motion of the Vice Chair Charlie Ramos, seconded by Trustee Xavier Avila, at the regular board meeting held on January 23, 2025, by the following votes: Ayes: 5 Noes: 0

Policy First Adopted: January 23, 2025