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April 29, 2024

The Honorable Nathan Manning  
Chairman, Ohio Senate Judiciary Committee  
Ohio Statehouse, 1 Capitol Square  
Columbus, Ohio 43215

Dear Chairman Manning,

On behalf of Gilbane Development Company, thank you for your willingness to consider an amendment to House Bill 305, currently pending in your committee. The amendment as drafted will streamline probate court actions in certain circumstances dealing with the relocation of dilapidated mausoleums and columbariums and has the full support of our company and the Ohio Cemetery Association.

### **Background**

Constructed in 1885, Hillside Chapel is a columbarium in Cincinnati that holds approximately 10,000 cremated remains. The building is quickly deteriorating and needs \$2 million in repairs. The chapel sits in the neighborhood adjacent to the University of Cincinnati where there is a plan in place to build new student housing in the area. Gilbane Development has a contract with the owner of the Hillside Chapel to build a new columbarium, tear down the old building, and construct new housing. It's a winning proposition for everyone since the decrepit Hillside Chapel will be replaced by a state-of-the-art columbarium. **If a new columbarium is not built, the current owner may be compelled to abandon the dilapidated Hillside Chapel, leaving the City of Cincinnati with a massive financial burden.**

The issue lies within the process of relocating the cremated remains from the old building into the new one, which constitutes a disinterment under Ohio Revised Code Section 517.23 and requires probate court approval. **This section currently provides for a process for filing a disinterment application in Probate Court for a single body or set of cremated remains. However, there is no provision in the Ohio Revised Code for Hamilton County to handle this as a blanket case.** The statute has no mechanism for a cemetery that needs to repair or replace a mausoleum or columbarium to obtain permission to disinter and re-inter multiple sets of remains. Since these structures may hold hundreds or even thousands of sets of remains, Probate Courts would be overwhelmed if hundreds of individual disinterment cases had to be processed in order to conduct repairs or replace a mausoleum or columbarium.

Therefore, in this instance, for the 1,680 decedents where we have mailing addresses of next-of-kin, Gilbane would be required to file 1,680 individual disinterment applications at \$90 each. For the 8,320 cases where there is no known next-of-kin, the Court will charge only \$10 per decedent and allow the company to file one large case. **The end result would be hundreds of hours of manhours to fill out and file the 1,680 applications plus the payment of nearly a quarter of a million dollar in filing fees to the Probate Court.** As you might imagine, this is a burdensome task for any company and would be tremendously burdensome for the Court as well.

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**Amendment 1808**

Over the past several months, we have worked closely with the Ohio Cemetery Association to craft an amendment that adds a new provision to ORC §517.23. This amendment allows a cemetery, which needs to replace or repair a mausoleum, to file a blanket disinterment application for all remains that need to be moved. The Amendment:

- establishes a requirement for a Probate Court hearing on the disinterment application involving the next-of-kin.
- establishes the various factors the Probate Court is to weigh in considering the application are set forth in the Amendment.
- provides important safeguards to protect the remains during the repair or construction process and assures that families have access to the remains during that period.
- replaces references to “buried” and “burial” with the more inclusive terms of “interred” and “interment.”
- eliminates the requirement to obtain permission from the board of health when disinterring remains of a person who died from a contagious or infectious disease if those remains were cremated.

We would be very grateful to have the support of the Senate Judiciary Committee for this amendment into House Bill 305. We are hopeful to adopt this language before the legislature departs for the upcoming summer recess so that we can proceed with this worthy project, while also ensuring that the remains of the loved ones interred at Hillside Chapel are properly cared for before, during and after this project is completed.

Sincerely,



Michael A. Apt  
Gilbane Development Company

CC: Members of the Ohio Senate Judiciary Committee  
Matt Huffman, President of the Ohio Senate  
Representative Brian Stewart  
Representative Richard Brown