

## Arranging a funeral or cremation in New York

The end-of-life process is still something that is little discussed in our culture until the need arises, and then we are faced with a sometimes-overwhelming task. This article aims to give you an overview of the process of arranging a funeral or cremation in New York State, give you some direction in where to start, and answer some of the legality questions about making funeral arrangements in New York.

### How do I choose a funeral service provider in New York?

This is generally one of the first things that families think about when a death has occurred. If you have prior experience with a funeral service provider, then this can be a straight-forward decision, but if not, it can be daunting deciding where to start. There are some 1700 funeral homes and mortuaries in New York, and in the region of some 600 cemeteries, crematories, and memorial parks.

This can mean that choosing a funeral home in New York can be quite a task. There are nationwide funeral home directory websites, and then local-level business directories, and of course Google and the Internet. So, how do you know what is the right funeral service provider to select?

The important thing is to decide on some key criteria to narrow your search down. Do you have something special in mind for the funeral ceremony? Do you want a traditional burial, a cremation or a more contemporary celebration service? Do you have a budget in mind? Just having a clear outline of your specific requirements can help you when contacting funeral providers to inquire about their services. It can also help YOU stay in control of funeral-planning arrangements, and not be overwhelmed by a funeral home.

New York State Department of Health provides a helpful consumer guide, and many of the important aspects of legislation about funerals, cremations and the disposition of human remains are included here. The New York State Funeral Directors Association also provides consumers with information to help you choose a funeral home and make end-of-life decisions.

Funeral prices are one of the main reasons that some families start researching online today. So let's talk about funeral costs in New York.

### What is the average cost of a funeral in New York?

The average price of a funeral in New York these days can amount to in excess of \$8,000, and this can be a complete financial burden to those arranging a funeral service if no pre-planning for funeral expenses were in place. This cost does not take into account cemetery plot costs. The purchase of a cemetery plot or grave space in New York can vary significantly depending upon the area. Cemetery plots in and around New York City can be excessively expensive due to the premium of available green space. An option is to consider the purchase of a cemetery plot being re-sold by someone who had purchased a plot but no longer requires it. However, you MUST ensure you have a cemetery deed, which is the document that determines your legal right to the cemetery plot.

This means that a traditional funeral service involving a burial in New York can amount to a cost in excess of \$15,000. However, more affordable funeral options are available and

cremation is fast becoming a preferred means of disposition to those working on a budget, or choosing not to opt for a traditional burial.

## How much does a cremation cost in New York?

Cremation is growing in popularity in the U.S., largely as it proves much more affordable than a traditional burial. **A direct cremation can be carried out in some areas of New York State for just \$485. The price of cremation does vary depending on the local area, and the crematory fee.** A cremation can be a simple disposition with no service, the ashes returned to the family, who can then organize a memorial service themselves. Or it can be as elaborate as a traditional funeral just the difference being the cremation of the casket and deceased as opposed to burial. A full-service cremation service is likely to cost in the region of \$2,500 to \$4,000.

New York has 47 crematories and the cost for cremation varies between \$150 and almost \$433. Not all funeral service providers include the cremation fee in their quoted direct cremation service, so be sure to check this. In NY a funeral home is not allowed to own and operate a crematory, so the crematory fee is considered a 'third-party' fee, and added to the funeral home's service charge. It is considered a cash advance item and added to your funeral bill.

Because the prices from different funeral service providers can vary quite significantly – for the exact same service – it is imperative that you compare prices. Ensure that you are comparing like for like funeral services before committing to a funeral contract.

If you are concerned about funeral costs, the [DFS Memorials providers in New York](#) offer low cost cremation services and affordable burial services. All DFS Memorials providers guarantee to offer a 'best value' direct cremation package.

### **DFS Memorials Cremation Providers**

Serving all five boroughs of NYC & Long Island. Cremation cost from \$485.

Call (718) 395-3211

## Know your rights: funeral laws in New York

All funeral homes in New York are required by law to provide you with a General Price List that clearly lists the prices for all their services. A funeral home should provide you with information about all the services available to you, but at no time should pressure you into a sale. The Federal Trade Commission's (FTC) 'Funeral Rule' is there to protect you as a funeral consumer, so ensure you equip yourself with the knowledge about what your rights are.

## Can I conduct a home funeral in New York?

In New York State only a registered, licensed funeral director can carry out funeral arrangements for the death care of a deceased person. The funeral director will file the death certificate and make the necessary arrangements, in accordance with family wishes, for the disposition of the deceased. New York is one of only 8 states that do legally require you to employ the basic services of a funeral director. Only a licensed funeral director can transport the deceased from the place of death into the care of a funeral home or crematory. This means that you are legally-bound to employ a funeral director, even if you manage all other aspects of funeral arrangements. The funeral director will obtain the death certificate and burial or cremation permit and transport the deceased for interment.

## What do I need to understand about cremation laws in New York?

Each state has its own legislation that governs funeral practice. New York has some very strict laws. A crematory must abide by certain practice standards in disposing of human remains by cremation. **In New York, a cremation can only be performed once a ‘Cremation Authorization Form’ has been signed by the legal next of kin and the medical examiner has issued the cremation permit.** Generally, there is a mandatory waiting period of 24 hours before a cremation can proceed but this is not enforced in New York. That being said, it usually takes about 3 days to make all the necessary arrangements and complete the paperwork but an expedited service can be arranged if required.

**A casket is NOT required by law for a cremation.** All that is required is a suitable rigid container. A cremation container is usually a reinforced cardboard or plywood box. If you wish to hold a funeral service before the cremation, some funeral homes offer rental caskets.

### Who can authorize a cremation or burial in New York?

State law designates that an “agent” appointed to control the disposition of remains by written instrument has priority to control the disposition. After that the priority is given to:

- Surviving spouse
- Domestic partner
- Any of the decedent’s surviving children over the age of 18
- Either of the decedent’s parents
- Any of the decedent’s surviving siblings (brothers or sisters) over the age of 18
- A guardian appointed pursuant to Article 17 or Article 17-a of the Surrogate’s Court Procedure Act (SCPA) or Article 81 of the Mental Hygiene Law
- The duly appointed fiduciary of the decedent’s estate
- Close friend or other relative who is reasonably familiar with the decedent’s wishes, including his or her religious or moral beliefs, when no one higher on the list is available, willing, or competent to act; (Note: This person must complete an “At-Need Written Statement of Person Having the Right to Control Disposition” form)
- Public Administrator

With the increase in the divorce rate and the growing number of second marriages and stepchildren, there is a benefit to appointing an agent, or pre-signing your own authorisation. This will ensure that your disposition wishes are carried out without any family disagreements.

## Who is responsible for paying for the funeral expenses?

There are basically 2 options – either you pre-plan and prepay for your funeral expenses, or surviving family will become liable for your disposition costs. You do not have to formally set up a funeral contract with a funeral service provider, but can make adequate provision by putting funds aside in a POD account in order that the person who will arrange your funeral can access this fund immediately upon the death. You can read more about this in [‘What is my best and safest option for putting aside money for a funeral?’](#).

## Prepayment Funeral Plans in New York

Pre-planning and prepaying a funeral can enable you to take the financial burden from surviving family and also ensure your own wishes are clearly met. State law regulates pre-need funeral plans in New York and all funds go into a Trust.

## How do I obtain a certified copy of a death certificate in New York?

The funeral home will usually obtain the necessary death certificates for you as part of their services. They can only charge you the actual fee, which is \$15 in New York City and \$10 or less in the rest of New York State. You will need certified copies to formally register the death of the deceased with government institutions, banks and insurance companies, etc.

## Does the deceased have to be embalmed in New York?

A body does not have to be embalmed according to New York State law. However, some funeral homes will stipulate that embalming is required dependent on certain services. For example, if an open casket viewing or service is performed, or if a body is being transported across state lines.

## Purchasing a casket in New York

You do NOT have to use a casket according to New York State legislation. You DO require a "suitable container", and the law allows for this to be an unfinished wooden box or "alternative container" made from other composition materials, canvas, cardboard or pressed wood. Although grave liners and/or burial vaults are NOT required by state law, some New York cemeteries do stipulate that they require them to prevent the ground sinking around a cemetery plot. It is strongly advised that you check a cemetery's requirements before committing to purchase a cemetery plot.

## What can we do with the cremated remains? Laws for ash scattering in New York

In New York, there are no state laws that stipulate where you may keep or scatter ashes. Cremated remains can be stored in a crypt, niche, grave, or in a container at home. If you wish to scatter ashes, you have many options. Cremation renders ashes harmless, so there is no public health risk involved in scattering ashes, they are basically sterile, organic matter. Use common sense and refrain from scattering ashes in places where they would be obvious to others.

Scattering on private land requires the landowner's consent, and it is wise to check local ordinance zoning if you wish to scatter on public lands. If you wish to scatter off the coast or out of New York Harbor you need to bear in mind EPA regulations. A burial at sea should be 3 nautical miles out and a written notification provided to the local EPA representative within 30 days.

Burial at Sea Coordinator, US EPA Region 2, 290 Broadway, New York, NY 10007 Phone: (212) 637-3796

If you wish to scatter ashes on land such as a state park, you should check if the park in question has any rules about permits required for ash-scattering.

## Culturally diverse funerals in New York

New York has a rich, vibrant multicultural community and as such there are a diverse set of funeral traditions and customs practiced in New York. Be it traditional Irish wakes, African-American home-goings, Jewish funerals or Buddhist ceremonies, there is a funeral services provider meeting all these needs. If you have particular faith or custom requirements, be sure to check around and find out which providers can accommodate your needs.

## Veteran's funerals in New York

A veteran and certain dependents are entitled to some VA benefits. This is primarily a free cemetery plot, grave marker and U.S. flag. Certain funeral homes will also offer discounted funeral services to veterans. The VA cemetery in Brooklyn/Cypress Hills is now closed to new interments and the ones in Elmira and Farmingdale are open for new interments of cremated remains only. The ones in Bath, Calverton, Romulus, and Schuylerville all have space for both casketed and cremated remains. To find out more about entitlements for veteran's benefits contact your local VA office.

## When a death occurs outside of New York

If a loved one dies away from his/her home in New York, you may wish to arrange to have the body collected and returned to New York for disposition. Also, with its huge immigrant population, many of those who settled in New York aspire to be returned to their homeland upon their death. Transporting a body internationally can be quite complex but frequently happens. Visit our page on [Funeral Shipping](#) for more information on domestic and international transfers. Ground transportation can also be an option if the deceased is within the U.S. In many cases it is often easier and more cost-effective to arrange a cremation wherever your loved one died and then transport the ashes to or from New York.

## Can I donate my body to science in New York?

Donating your body to medical science has been an end-of-life choice around for some time now, however, it has certainly gained more popularity in recent times. For many it now seems a valuable disposition method hence why it is commonly referred to as an "anatomical gift". There are several national organizations that offer an anatomical gift program whereby you can donate your body to science and the benefit of future generations. They arrange the collection of the deceased, medical donation, cremation of remains and return of cremains to the family usually at no charge. There are also a number of Universities and Medical Schools in New York that operate whole body donation programs. Do understand that an anatomical donation cannot always be accepted at the time of death. It can be affected by the needs of medical and research institutions at the time, and transportation services.

## Finding a low-cost cremation provider in New York

With 78% of Americans living pay check to pay check today (Forbes Jan 2019) and 3 in 4 workers stating they are in debt, it is understandable why more families are looking to lower cost funeral alternatives. It can be difficult enough to lose a loved one, without being faced with the unexpected cost of making funeral arrangements. It was recently reported that the average American cannot afford an unexpected expense of over \$400 (CNBC July 2019).

The least expensive funeral option is a direct cremation service. This is a simple cremation with no services or viewing. Contact your nearest [DFS Memorials provider](#) to access low cost cremation or burial services near you. A direct cremation can deal with the immediate disposition in a timely and cost-effective manner. Family can then arrange their own memorial services at a time and place that suits family members. This does not have to be at a funeral home or place of worship, it can be anywhere you may choose. The price for a direct cremation varies throughout New York. In NYC, the price is as low as \$485, and in upstate NY the price is nearer to \$1000.

## What help is there for those on low income with funeral costs in New York?

New York City provides a Burial Financial Assistance program to low-income New York City residents. If qualifying a resident can claim up to \$900 in financial assistance to help pay for a funeral. The funeral expenses in total must not exceed \$1,700.

An application must be made to the Human Resources Administration within 60 days of the death of the individual for whom the financial assistance is required to pay for the funeral expenses.

The application form for financial assistance for funeral costs in NYC can be found [here](#). There is also a \$255 lump sum death benefit payment available from Social Security for those that qualify. Your funeral director will generally submit this claim on your behalf.

For further information on how you can pay for a funeral if you have limited funds, visit our article on '[What to do if you cannot afford a funeral](#)'.

## What if the deceased is at the County Medical Examiner?

The majority of deaths occur within a hospital or care environment. But sudden, or unexpected, deaths often fall under the jurisdiction of the County Coroner to investigate and initially collect the deceased. In this case, you will still need to make arrangements with a funeral home. Once the Medical Examiner releases the body, the funeral director will transfer your loved one into their care. You may need to visit the Medical Examiner's office to identify the deceased. Usually funeral homes have a good relationship with their County ME and can arrange to process all the paperwork at the same time as collecting the deceased into their care. This can often expedite the process, and some funeral homes can offer a discounted cremation service for a Medical Examiner case.

## If you have a complaint about how a funeral was conducted in New York

If have a grievance with a funeral home in New York and they do not resolve it to your satisfaction, you may take up your complaint with the New York State Department of Health. You must file a complaint in writing to:

New York State Department of Health

Bureau of Funeral Directing

Hedley Park Place

433 River Street Suite 303

Troy, New York 12180

Hopefully this guide has answered some of your immediate questions. Arranging a funeral is no easy task and there are many decisions to be made, often when you feel incapable of making decisions. Please check out our Library Resource section where you will find a catalogue of other articles to assist you through the funeral planning process.

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