

---

**HOUSE BILL 2239**

---

**State of Washington**

**69th Legislature**

**2026 Regular Session**

**By** Representatives Abell, Bernbaum, Chase, Simmons, Walsh, Burnett, and Engell

Prefiled 01/02/26. Read first time 01/12/26. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to recognizing individual and family connectivity  
2 with the land by providing Washingtonians and their loved ones with  
3 the option to have their remains interred in a family burial ground;  
4 amending RCW 7.80.120, 68.04.060, 68.04.080, 68.04.100, 68.05.400,  
5 68.20.010, 68.20.140, 68.50.130, and 84.36.020; adding a new section  
6 to chapter 68.04 RCW; adding a new section to chapter 68.28 RCW;  
7 adding a new chapter to Title 68 RCW; creating a new section; and  
8 prescribing penalties.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10 NEW SECTION. **Sec. 1.** It is the intent of the legislature to  
11 enable creation of family burial grounds on privately owned property  
12 in order to provide greater flexibility and options for individuals  
13 in choosing where to be interred.

14 It is further the intent of the legislature to honor and support  
15 individual and family connectivity with the land.

16 NEW SECTION. **Sec. 2.** (1) A natural person may designate an area  
17 of land owned by the person as a family burial ground.

18 (2) If a property is co-owned by two or more natural persons, a  
19 family burial ground may be established on the property only with the  
20 written consent of all co-owners of the property.

1 (3) A family burial ground may not be established on any property  
2 co-owned by a combination of natural persons and legal entities.

3 (4) A family burial ground must be set back at least 25 feet from  
4 an existing parcel boundary and may not be established:

5 (a) Within 150 feet of a designated critical area, as defined in  
6 RCW 36.70A.030; or

7 (b) Within 50 feet of an existing easement or public right-of-  
8 way.

9 (5) A family burial ground may not comprise greater than 10  
10 percent of the area of the parcel upon which it is established.

11 NEW SECTION. **Sec. 3.** (1)(a) A mausoleum, columbarium, or  
12 similar structure constructed on a family burial ground and used or  
13 intended to be used for interments of human remains must comply with  
14 the requirements of this section, whether constructed under or above  
15 the surface of the earth, where any portion of the building is  
16 exposed to view, or, when interment is completed, is less than three  
17 feet below the surface of the earth and covered by earth.

18 (b) A building on a family burial ground not erected for or not  
19 used as a place for interment of human remains which is converted or  
20 altered to such use is subject to this section.

21 (2) A building or structure constructed on a family burial ground  
22 and intended to be used for interment of human remains:

23 (a) Must be of class A fireproof construction and constructed  
24 with such material and workmanship as to ensure its durability and  
25 permanence as dictated and determined by most current mausoleum  
26 construction and engineering science; and

27 (b) Must be constructed and installed on the family burial ground  
28 in compliance with all applicable local building permitting laws,  
29 public health laws, and laws governing class A construction.

30 (3) Any person who violates this section commits a civil  
31 infraction enforceable according to chapter 7.80 RCW and is subject  
32 to a monetary penalty of \$500. A notice of civil infraction may be  
33 issued by a local law enforcement officer or a local public health  
34 official if after investigation it has reasonable cause to believe an  
35 infraction has been committed. In addition to the monetary penalty,  
36 the court shall order the owner of the property on which a family  
37 burial ground is located to remediate any violation of this section  
38 at the owner's expense.

1        NEW SECTION.    **Sec. 4.**    The owner of the property on which a  
2 family burial ground is located may not:

3            (1) Offer for sale plots in the family burial ground or space in  
4 a mausoleum or columbarium located on the family burial ground; or

5            (2) Charge fees for any goods or services provided by the owner  
6 in connection with interment of human remains in the family burial  
7 ground.

8        NEW SECTION.    **Sec. 5.**    The owner of the property on which a  
9 family burial ground is located shall record every interment in a  
10 family burial ground within 30 days after the interment with the  
11 county auditor of the county in which the land is situated. The owner  
12 shall record:

13            (1) The deceased person's name as it appears on the death  
14 certificate;

15            (2) The deceased person's date of birth as it appears on the  
16 death certificate;

17            (3) The deceased person's date of death as it appears on the  
18 death certificate;

19            (4) The name of the owner or owners and the legal description of  
20 the property, including the assessor parcel number, where the human  
21 remains are interred; and

22            (5) The latitude and longitude coordinates of the grave,  
23 mausoleum, or columbarium, such as those given by a global  
24 positioning system, that are verified by two witnesses or the county  
25 coroner, sheriff, or a designee of the county coroner or sheriff.

26        NEW SECTION.    **Sec. 6.**    Before the sale of the property on which a  
27 family burial ground is located, the owner of the property shall  
28 disclose to the prospective buyer the existence of the family burial  
29 ground and any mausoleums or columbaria erected on the family burial  
30 ground.

31        NEW SECTION.    **Sec. 7.**    (1) An area of privately owned land that  
32 has been established as a family burial ground or plot prior to the  
33 effective date of this section is deemed a family burial ground  
34 designated in compliance with this chapter, even if the previously  
35 established family burial ground or plot does not meet all the  
36 requirements under this chapter.

37            (2) Beginning on the effective date of this section:

1 (a) Any new designation of a family burial ground on a property  
2 that does not already contain a family burial ground must comply with  
3 all the requirements of this chapter; and

4 (b) Any interment of human remains in a family burial ground on a  
5 property that already contains a family burial ground and any  
6 extension of an existing family burial ground must comply with all  
7 the requirements of this chapter, regardless of when a family burial  
8 ground was established or designated.

9 NEW SECTION. **Sec. 8.** Cities and counties are authorized to  
10 enact ordinances regulating or prohibiting the establishment of  
11 family burial grounds or the extension of existing family burial  
12 grounds and to give power to local planning commissions to pass upon  
13 and make recommendations to local legislative bodies concerning the  
14 establishment or extension of family burial grounds.

15 **Sec. 9.** RCW 7.80.120 and 2024 c 286 s 2 are each amended to read  
16 as follows:

17 (1) A person found to have committed a civil infraction shall be  
18 assessed a monetary penalty.

19 (a) The maximum penalty and the default amount for a class 1  
20 civil infraction shall be \$250, not including statutory assessments,  
21 except for an infraction of state law involving (i) potentially  
22 dangerous litter as specified in RCW 70A.200.060(~~((+4))~~) (5), in which  
23 case the maximum penalty and default amount is \$500; (~~((€))~~) (ii) a  
24 person's refusal to submit to a test or tests pursuant to RCW  
25 79A.60.040 and 79A.60.700, in which case the maximum penalty and  
26 default amount is \$1,000; (~~((€))~~) (iii) the misrepresentation of  
27 service animals under RCW 49.60.214, in which case the maximum  
28 penalty and default amount is \$500; (~~((€))~~) (iv) untraceable firearms  
29 pursuant to RCW 9.41.326 or unfinished frames or receivers pursuant  
30 to RCW 9.41.327, in which case the maximum penalty and default amount  
31 is \$500; (~~((€))~~) (v) the failure to report the loss or theft of a  
32 firearm under RCW 9.41.368, in which case the maximum penalty and  
33 default amount is \$1,000; or (vi) unlawful construction of a  
34 mausoleum or columbarium on a family burial ground, as provided in  
35 section 4 of this act, in which case the penalty is \$500;

36 (b) The maximum penalty and the default amount for a class 2  
37 civil infraction shall be \$125, not including statutory assessments;

1 (c) The maximum penalty and the default amount for a class 3  
2 civil infraction shall be \$50, not including statutory assessments;  
3 and

4 (d) The maximum penalty and the default amount for a class 4  
5 civil infraction shall be \$25, not including statutory assessments.

6 (2) The supreme court shall prescribe by rule the conditions  
7 under which local courts may exercise discretion in assessing fines  
8 for civil infractions.

9 (3) Whenever a monetary penalty is imposed by a court under this  
10 chapter it is immediately payable. If the person is unable to pay at  
11 that time the court may grant an extension of the period in which the  
12 penalty may be paid. If the penalty is not paid on or before the time  
13 established for payment, the court may proceed to collect the penalty  
14 in the same manner as other civil judgments and may notify the  
15 prosecuting authority of the failure to pay.

16 (4) The court may also order a person found to have committed a  
17 civil infraction to make restitution.

18 **Sec. 10.** RCW 68.04.060 and 1979 c 21 s 2 are each amended to  
19 read as follows:

20 "Mausoleum" means a structure or building for the entombment of  
21 human remains in crypts (1) in a place used, or intended to be used,  
22 and dedicated, for cemetery purposes, or (2) on a family burial  
23 ground established pursuant to chapter 68.--- RCW (the new chapter  
24 created in section 20 of this act).

25 **Sec. 11.** RCW 68.04.080 and 2019 c 432 s 5 are each amended to  
26 read as follows:

27 "Columbarium" means a structure, room, or other space in a  
28 building or structure containing niches for permanent placement of  
29 human remains (1) in a place used, or intended to be used, and  
30 dedicated, for cemetery purposes, or (2) on a family burial ground  
31 established pursuant to chapter 68.--- RCW (the new chapter created  
32 in section 20 of this act).

33 **Sec. 12.** RCW 68.04.100 and 2005 c 365 s 32 are each amended to  
34 read as follows:

35 "Interment" means the placement of human remains in a cemetery or  
36 family burial ground.

1        NEW SECTION.    **Sec. 13.**    A new section is added to chapter 68.04  
2    RCW to read as follows:

3        "Family burial ground" means an area of privately owned land that  
4    is designated pursuant to chapter 68.--- RCW (the new chapter created  
5    in section 20 of this act) for the interment of human remains, and in  
6    which interments may be, but are not required to be, restricted to a  
7    group of persons who are related to each other by birth, marriage, or  
8    adoption.    "Family burial ground" includes any mausoleums or  
9    columbaria constructed on a family burial ground.

10       **Sec. 14.**    RCW 68.05.400 and 1979 c 21 s 13 are each amended to  
11    read as follows:

12       The provisions of this chapter do not apply to any of the  
13    following:

14       (1) Nonprofit cemeteries which are owned or operated by any  
15    recognized religious denomination which qualifies for an exemption  
16    from real estate taxation under RCW 84.36.020 on any of its churches  
17    or the ground upon which any of its churches are or will be built;  
18    (~~(e)~~)

19       (2) Any cemetery controlled and operated by a coroner, county,  
20    city, town, or cemetery district; or

21       (3) A family burial ground established pursuant to chapter 68.---  
22    RCW (the new chapter created in section 20 of this act).

23       **Sec. 15.**    RCW 68.20.010 and 1943 c 247 s 42 are each amended to  
24    read as follows:

25       (~~(f)~~) Except as otherwise provided in chapter 68.--- RCW (the  
26    new chapter created in section 20 of this act), it is unlawful for  
27    any corporation, copartnership, firm, trust, association, or  
28    individual to engage in or transact any of the businesses of a  
29    cemetery within this state except by means of a corporation duly  
30    organized for that purpose.

31       **Sec. 16.**    RCW 68.20.140 and 1987 c 331 s 33 are each amended to  
32    read as follows:

33       (1) This chapter does not apply to any cemetery controlled and  
34    operated by a coroner, county, city, town, or cemetery district.

35       (2) This chapter does not apply to any family burial ground  
36    established pursuant to chapter 68.--- RCW (the new chapter created  
37    in section 20 of this act).

1        NEW SECTION.    **Sec. 17.**    A new section is added to chapter 68.28  
2 RCW to read as follows:

3        This chapter does not apply to mausoleums and columbaria  
4 constructed on a family burial ground established pursuant to chapter  
5 68.--- RCW (the new chapter created in section 20 of this act).

6        **Sec. 18.**    RCW 68.50.130 and 2019 c 432 s 21 are each amended to  
7 read as follows:

8        Every person who performs a disposition of any human remains,  
9 except as otherwise provided by law, in any place, except in a  
10 cemetery, a family burial ground, or a building dedicated exclusively  
11 for religious purposes, is guilty of a misdemeanor. Disposition of  
12 human remains following cremation, alkaline hydrolysis, or natural  
13 organic reduction may also occur on private property, with the  
14 consent of the property owner; and on public or government lands or  
15 waters with the approval of the government agency that has either  
16 jurisdiction or control, or both, of the lands or waters.

17        **Sec. 19.**    RCW 84.36.020 and 2022 c 84 s 1 are each amended to  
18 read as follows:

19        The following real and personal property shall be exempt from  
20 taxation:

21        (1) (a) All lands, buildings, and personal property required for  
22 necessary administration and maintenance, used, or to the extent  
23 used, exclusively for public burying grounds or cemeteries without  
24 discrimination as to race, color, national origin or ancestry;

25        (b) The exemption provided by this subsection (1) does not apply  
26 to family burial grounds established pursuant to chapter 68.--- RCW  
27 (the new chapter created in section 20 of this act);

28        (2) (a) All churches, personal property, and the ground, not  
29 exceeding five acres in area, upon which a church of any nonprofit  
30 recognized religious denomination is or must be built, together with  
31 a parsonage, convent, and buildings and improvements required for the  
32 maintenance and safeguarding of such property. The area exempted must  
33 in any case include all ground covered by the church, parsonage,  
34 convent, and buildings and improvements required for the maintenance  
35 and safeguarding of such property and the structures and ground  
36 necessary for street access, parking, light, and ventilation, but the  
37 area of unoccupied ground exempted in such cases, in connection with  
38 church, parsonage, convent, and buildings and improvements required

1 for the maintenance and safeguarding of such property, shall not  
2 exceed the equivalent of one hundred twenty by one hundred twenty  
3 feet except where additional unoccupied land may be required to  
4 conform with state or local codes, zoning, or licensing requirements.  
5 The parsonage and convent need not be on land contiguous to the  
6 church property. Except as otherwise provided in this subsection, to  
7 be exempt the property must be wholly used for church purposes.

8 (b) If the rental income or donations, if applicable, are  
9 reasonable and do not exceed the maintenance and operation expenses  
10 attributable to the portion of the property loaned or rented, the  
11 exemption provided by this subsection (2) is not nullified by:

12 (i) The loan or rental of property otherwise exempt under this  
13 subsection (2) to a nonprofit organization, association, or  
14 corporation, or school to conduct an eleemosynary activity;

15 (ii) The rental or use of the property by any individual, group,  
16 or entity, where such rental or use is not otherwise authorized by  
17 this subsection (2), for not more than fifty days in each calendar  
18 year, and the property is not used for pecuniary gain or to promote  
19 business activities for more than fifteen of the fifty days in each  
20 calendar year. The fifty and fifteen-day limitations provided in this  
21 subsection (2)(b)(ii) do not include days during which setup and  
22 takedown activities take place immediately preceding or following a  
23 meeting or other event by an individual, group, or entity using the  
24 property as provided in this subsection (2)(b)(ii). The 15-day and  
25 50-day limitations provided in this subsection (2)(b)(ii) do not  
26 apply to the use of the property for pecuniary gain or for business  
27 activities if the property is used for activities related to a  
28 qualifying farmers market, as defined in RCW 66.24.170, and all  
29 income received from rental or use of the exempt property is used for  
30 capital improvements to the exempt property, maintenance and  
31 operation of the exempt property, or exempt purposes. The exempt  
32 property may be used for up to 53 days for the purposes of a  
33 qualifying farmers market; or

34 (iii) An inadvertent use of the property in a manner inconsistent  
35 with the purpose for which exemption is granted, if the inadvertent  
36 use is not part of a pattern of use. A pattern of use is presumed  
37 when an inadvertent use is repeated in the same assessment year or in  
38 two or more successive assessment years.

1        NEW SECTION.    **Sec. 20.**    Sections 2 through 8 of this act  
2    constitute a new chapter in Title 68 RCW.

--- **END** ---