

MEMORANDUM OF UNDERSTANDING
BETWEEN THE DEPARTMENT OF CORRECTION, THE PARKS DEPARTMENT, AND
THE DEPARTMENT OF SOCIAL SERVICES

This memorandum of understanding is made by the Department of Correction (DOC), the Department of Parks and Recreation (Parks), and the Department of Social Services (DSS).

WHEREAS, DSS is authorized by the State of New York to ensure that the City of New York provides for the burial of the indigent dead; and

WHEREAS, the burial grounds on Hart Island are under the control of DOC, and remain under the control of DOC until July 1, 2021, at which time the burial grounds of Hart Island, as well as the rest of Hart Island, shall be under the jurisdiction of Parks; and

WHEREAS, it is in the best interests of the City, and the next of kin, family, and friends of people who may be buried at City expense that the bodies be interred by new processes; and

WHEREAS, on March 7, 2020, New York State Governor Andrew Cuomo declared a State disaster emergency for the entire State of New York to address the threat that COVID-19 poses to the health and welfare of New York residents and visitors, and Mayoral Emergency Executive Order No. 98, issued March 12, 2020 and extended by Emergency Executive Order No. 192, issued April 12, 2021, contained a declaration of a state of emergency in the City of New York due to the threat posed by COVID-19 to the health and welfare of City residents; and

WHEREAS, the disaster emergency placed great strain on all City agency processes, including contracting and other operations,

THE PARTIES TO THIS AGREEMENT AGREE TO THE FOLLOWING:

1. On July 1, 2021, control of Hart Island will be transferred from Department of Correction to Parks, in accordance with § 21-110 of the New York City Administrative Code.
2. Administratively, underlying jurisdiction of the island will be under Parks. This MOU does not control decisions by the agencies regarding matters other than burial, disinterment, visitation, access, and maintenance of the burial grounds.
3. It is not the intention of the City or Parks that Hart Island will become inalienable parkland by virtue of Parks jurisdiction over Hart Island.
4. Continued burial operations is of utmost importance and all parties agree to coordinate to ensure that there is no disruption of burial operations.
5. Parks will not, at any time, conduct burial or disinterment, nor will it have any responsibility for or manage any DSS or DOC employees or DSS or DOC contractors.
6. Each agency will report any hazardous conditions or conduct to the parties to this agreement as soon as practicable.
7. DSS has commenced a Request for Proposals (RFP) process and is reviewing responses from various entities to establish suitable contracts and expects this process to be complete by current year end, subject to OMB appropriation.

8. Pending the outcome of DSS's RFP, Parks and DSS will coordinate on day to day management. If Parks is involved in Operations and Management of portions of the island, those areas will be managed similarly to how other historic cemeteries in its portfolio are managed, to the extent that land and transportation conditions allow.
9. During a transition period, DOC will continue to manage the burial and disinterment processes, and manage visitation to, maintenance of, and access to, the burial grounds, until DSS has completed the process of establishing contracts with entities to undertake these tasks.
10. Visitation for next of kin, family and friends and the public will continue throughout the transition process as practicable.
11. The understandings between the parties are based on certain assumptions, including the availability of funding for each of these agencies to perform its assigned role.
12. Parks and DSS may undertake rule-making, pursuant to the City Administrative Procedure Act, in order to clarify or resolve issues that may arise prior to or during performance of this MOU, and such rules may be changed in accordance with § 21-110 of the New York City Administrative Code and relevant laws.

Signed:

NEW YORK CITY DEPARTMENT OF PARKS & RECREATION

By: 

David Cerron
Assistant Commissioner for Planning and Development

Date: June 28, 2021

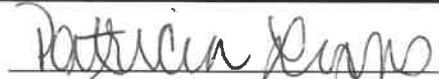
NEW YORK CITY DEPARTMENT OF SOCIAL SERVICES

By: _____

Vincent Pullo
Agency Chief Contracting Officer

Date: 6/30/2021

NEW YORK CITY DEPARTMENT OF CORRECTION

By: 

Patricia Lyons
Deputy Commissioner
Financial, Facility, and Fleet Administration

Date: June 29, 2021