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DEPARTMENT OF CONSUMER AFFAIRS FINDS ONE IN THREE FUNERAL HOMES VIOLATE NEW YORKERS' RIGHT TO PRIVATELY REVIEW PRICING INFORMATION WITHOUT HIGH PRESSURE SALES TACTICS

Funeral Homes Legally Required to Honor New Yorkers' Right to Receive Full Pricing and Other Information Over the Telephone or Through Front Door Price Lists

Department of Consumer Affairs (DCA) Commissioner Jonathan Mintz today announced that after conducting more than 400 in-person and 50 undercover telephone inspections of funeral homes, DCA found that one in three were violating New Yorkers' right to privately review pricing information without high pressure sales tactics. The two-month investigation focused on compliance with City laws that give consumers the right to compare funeral prices and services either without having to leave their homes or talk face-to-face with anyone. Funeral homes in New York City must provide all prices by phone upon request and make full price lists readily available at the entrances to funeral homes. DCA issued more than 325 violations, 94 percent of which were for violating these consumer rights. The funeral homes could face close to \$400,000 in fines to the City.

"Funeral planning comes at very difficult time in a person's life which is why New Yorkers are fortunate to have such strong legal rights," said DCA Commissioner Jonathan Mintz. "Funeral homes must give all pricing information over the telephone and on clear price sheets by their front door, and DCA's recent enforcement sweep shows that one in three still aren't doing that. The industry needs to follow these important laws and I urge New Yorkers to call 311 if they experience a problem."

DCA inspectors conducted in-person inspections and undercover phone inspections and issued hundreds of violations for issues related to pricing. By law, a consumer should be able to review a funeral home's general price list as soon as he or she steps into the funeral home and he or she should also be given those prices over the phone. This list should include the prices for all services and merchandise regularly offered by the funeral home, including the basic arrangement fee for the service; caskets or urns, embalming, which is not required in New York; and any additional fees for cemetery or crematory, death certificates and clergy, which the funeral home cannot profit from. Although many funeral homes offer "packages," customers have the right to buy goods and services separately.

For more information or funeral planning tips, download [DCA's Funeral Planning Guide](#). To file a complaint about a funeral home, visit nyc.gov/consumers or call 311. Consumers can also send enforcement tips about funeral homes that aren't disclosing their prices by tweeting [@NYCDCA](#) or posting to DCA's [Facebook page](#).

DCA enforces the Consumer Protection Law and other related business laws throughout New York City. Empowering consumers and businesses to ensure a fair and vibrant marketplace, DCA licenses more than 78,000 businesses in 55 different industries. Through targeted outreach, partnerships with community and trade organizations, and informational materials, DCA educates consumers and businesses alike about their rights and responsibilities. DCA's Office of Financial Empowerment (OFE) is the first local government initiative in the nation with a mission to educate, empower, and protect New Yorkers with low incomes so they can build assets and make the most of their financial resources. Toward that end, OFE seeks to increase access to high-quality, low-cost financial education and counseling; improve access to income-boosting tax credits; connect households to safe and affordable banking and asset-building products and services; and enforce and improve consumer protections to enhance financial stability. For more information, call 311 or visit DCA online at nyc.gov/consumers.

When planning a funeral, the following tips will be helpful:

- **Get a price list.** By law, the customer is entitled to a general price list when conducting arrangements either in person or over the phone. This list should include the prices for all services and merchandise regularly offered by the funeral home. Consumers have a right to this information before they commit to using a specific funeral home, so try to obtain multiple lists and compare prices. Although many funeral homes offer “packages,” you have the right to buy the goods and services separately.
- **Don’t pay illegal or unnecessary fees.** Funeral homes can charge a fee for cash advance items or services, and merchandise the funeral home pays directly to a third party, such as fees for the cemetery or crematory, death certificates and clergy. The funeral home cannot profit on these items. If you choose, you may be able to pay for cash advance items directly.

You may be charged:

- A custodial care fee, which charges the customer for the days the body is being held, though no services are being performed.
 - A transfer of remains fee, which covers transportation of the body from the place where the death occurred to the funeral home.
- **You have the right to change funeral homes at any time.** You will need to pay for any services that have already been performed and for which you have given approval. The funeral home must allow the transfer of the body to another funeral home, even if you haven’t paid yet. It may not hold the body in exchange for payment.
 - **Get an itemized receipt.** Regardless of who pays for cash advance items, be sure to get a receipt for these items. When you have made all the decisions regarding the funeral, you should receive an itemized statement of services and merchandise, a detailed outline of the specific goods and services you have chosen and the price of each item as well as the total cost. This must include cash advance fees.
 - **If you have a casket that you have purchased from somewhere other than that funeral home, they are required by law to let you use it.**
 - **In New York State, embalming is not required by law.** If you do not want embalming, you have the right to choose an arrangement which does not require you to pay for embalming, such as direct cremation or direct burial. If you select certain funeral arrangements, such as viewing or an open casket, embalming may be required by the funeral home. This information must be included on the general price list.
 - **Get all the facts.** Download [DCA's Funeral Planning Guide](#) at nyc.gov/consumers.