



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

Jumaane D. Williams

April 23, 2020

Howard A. Zucker, M.D., J.D.
Commissioner
New York Department of Health
Corning Tower
Empire State Plaza,
Albany, NY 12237

RE: Loosening Body Removal Regulations During COVID-19

Dear Commissioner Zucker:

New York City is in the midst of a public health crisis unseen in a century, placing stresses on our systems in ways we never considered. Specifically, I write in regard to the rapid influx of COVID-19 fatalities threatening to overwhelm the limited capacity of our hospitals and morgues. A contributing factor to this issue is that only licensed funeral directors are allowed to transport the deceased. Considering the unique nature of this crisis, this regulation appears to do more harm than good by preventing our hospitals and morgues from releasing custody of the deceased in a timely manner. As you may be aware, an inability to perform this timely processing has led to troubling mass burials of “unclaimed” bodies on Hart Island.

I believe an appropriate solution to this problem would be to loosen current requirements for removal of remains that are currently dictated by [Section 4144](#) of New York State Law. This law, which requires that all bodies be removed by a licensed funeral director, should be temporarily exempted or amended to allow any paid employee of a funeral home to perform body removal - vastly increasing funeral homes’ capacity to empty our city’s overcrowded hospitals and morgues. With this change in place, more families would be granted the dignity of giving their loved ones an individual burial, and strain upon our hospitals and morgues would be reduced.

I hope to see expeditious action taken to alleviate this growing problem across our state. For any questions or further discussion, please contact First Deputy Public Advocate for Policy Nick E. Smith, at nsmith@advocate.nyc.gov. Thank you for your time and consideration.

Sincerely,

Jumaane D. Williams
Public Advocate for the City of New York

cc:

New York State Governor Andrew Cuomo
New York State Senate Majority Leader Andrea Stewart Cousins
New York State Assembly Speaker Carl E. Heastie