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**Real Property Tax**

 § 458-b. Exemption for Cold War veterans. 1. As used in this section:

 (a) "Cold War veteran" means a person, male or female, who served on

 active duty in the United States armed forces, during the time period

 from September second, nineteen hundred forty-five to December

 twenty-sixth, nineteen hundred ninety-one, and was discharged or

 released therefrom under honorable conditions.

 (b) "Armed forces" means the United States army, navy, marine corps,

 air force, and coast guard.

 (c) "Active duty" means full-time duty in the United States armed

 forces, other than active duty for training.

 (d) "Service connected" means, with respect to disability or death,

 that such disability was incurred or aggravated, or that the death

 resulted from a disability incurred or aggravated, in line of duty on

 active military, naval or air service.

 (e) "Qualified owner" means a Cold War veteran, the spouse of a Cold

 War veteran, or the unremarried surviving spouse of a deceased Cold War

 veteran. Where property is owned by more than one qualified owner, the

 exemption to which each is entitled may be combined. Where a veteran is

 also the unremarried surviving spouse of a veteran, such person may also

 receive any exemption to which the deceased spouse was entitled.

 (f) "Qualified residential real property" means property owned by a

 qualified owner which is used exclusively for residential purposes;

 provided, however, that in the event that any portion of such property

 is not used exclusively for residential purposes, but is used for other

 purposes, such portion shall be subject to taxation and only the

 remaining portion used exclusively for residential purposes shall be

 subject to the exemption provided by this section. Such property shall

 be the primary residence of the Cold War veteran or the unremarried

 surviving spouse of a Cold War veteran, unless the Cold War veteran or

 unremarried surviving spouse is absent from the property due to medical

 reasons or institutionalization.

 (g) "Latest state equalization rate" means the latest final state

 equalization rate or special equalization rate established by the

 commissioner pursuant to article twelve of this chapter. The

 commissioner shall establish a special equalization rate if it finds

 that there has been a material change in the level of assessment since

 the establishment of the latest state equalization rate, but in no event

 shall such special equalization rate exceed one hundred. In the event

 that the state equalization rate exceeds one hundred, then the state

 equalization rate shall be one hundred for the purposes of this section.

 Where a special equalization rate is established for purposes of this

 section, the assessor is directed and authorized to recompute the Cold

 War veterans exemption on the assessment roll by applying such special

 equalization rate instead of the latest state equalization rate applied

 in the previous year and to make the appropriate corrections on the

 assessment roll, notwithstanding the fact that such assessor may receive

 the special equalization rate after the completion, verification and

 filing of such final assessment roll. In the event that the assessor

 does not have custody of the roll when such recomputation is

 accomplished, the assessor shall certify such recomputation to the local

 officers having custody and control of such roll, and such local

 officers are hereby directed and authorized to enter the recomputed Cold

 War veterans exemption certified by the assessor on such roll.

 (h) "Latest class ratio" means the latest final class ratio

 established by the commissioner pursuant to title one of article twelve

 of this chapter for use in a special assessing unit as defined in

 section eighteen hundred one of this chapter.

 2. (a) Each county, city, town or village may adopt a local law, and

 each school district may adopt a resolution, to provide that qualifying

 residential real property shall be exempt from taxation to the extent of

 either: (i) ten percent of the assessed value of such property; provided

 however, that such exemption shall not exceed eight thousand dollars or

 the product of eight thousand dollars multiplied by the latest state

 equalization rate of the assessing unit, or, in the case of a special

 assessing unit, the latest class ratio, whichever is less or; (ii)

 fifteen percent of the assessed value of such property; provided

 however, that such exemption shall not exceed twelve thousand dollars or

 the product of twelve thousand dollars multiplied by the latest state

 equalization rate for the assessing unit, or, in the case of a special

 assessing unit, the latest class ratio, whichever is less.

 (b) In addition to the exemption provided by paragraph (a) of this

 subdivision, where the Cold War veteran received a compensation rating

 from the United States veterans affairs or from the United States

 department of defense because of a service connected disability,

 qualifying residential real property shall be exempt from taxation to

 the extent of the product of the assessed value of such property,

 multiplied by fifty percent of the Cold War veteran disability rating;

 provided, however, that such exemption shall not exceed forty thousand

 dollars, or the product of forty thousand dollars multiplied by the

 latest state equalization rate for the assessing unit, or, in the case

 of a special assessing unit, the latest class ratio, whichever is less.

 (c) Limitations. (i) The exemption from taxation provided by this

 subdivision shall be applicable to county, city, town, village, and

 school district taxation.

 (ii) If a Cold War veteran receives the exemption under section four

 hundred fifty-eight or four hundred fifty-eight-a of this title, the

 Cold War veteran shall not be eligible to receive the exemption under

 this section.

 (iii) The exemption provided by paragraph (a) of this subdivision

 shall be granted for a period of ten years. The commencement of such ten

 year period shall be governed pursuant to this subparagraph. Where a

 qualified owner owns qualifying residential real property on the

 effective date of the local law or resolution providing for such

 exemption, such ten year period shall be measured from the assessment

 roll prepared pursuant to the first taxable status date occurring on or

 after the effective date of the local law or resolution providing for

 such exemption. Where a qualified owner does not own qualifying

 residential real property on the effective date of the local law or

 resolution providing for such exemption, such ten year period shall be

 measured from the assessment roll prepared pursuant to the first taxable

 status date occurring at least sixty days after the date of purchase of

 qualifying residential real property; provided, however, that should the

 veteran apply for and be granted an exemption on the assessment roll

 prepared pursuant to a taxable status date occurring within sixty days

 after the date of purchase of residential real property, such ten year

 period shall be measured from the first assessment roll in which the

 exemption occurs. If, before the expiration of such ten year period,

 such exempt property is sold and replaced with other residential real

 property, such exemption may be granted pursuant to this subdivision for

 the unexpired portion of the ten year exemption period, provided

 however, that notwithstanding the ten year limitation imposed by the

 foregoing provisions of this subparagraph, a county, city, town, village

 or school district that has adopted a local law or resolution pursuant

 to paragraph (a) of this subdivision may adopt a local law or resolution

 providing that the exemption authorized by this section shall apply to

 qualifying owners of qualifying real property for as long as they remain

 qualifying owners, without regard to such ten year limitation. Each

 county, city, town or village may adopt a local law, and each school

 district may adopt a resolution, to reduce the maximum exemption

 allowable in paragraphs (a) and (b) of this subdivision to six thousand

 dollars, nine thousand dollars and thirty thousand dollars,

 respectively, or four thousand dollars, six thousand dollars and twenty

 thousand dollars, respectively. Each county, city, town, or village is

 also authorized to adopt a local law, and each school district may adopt

 a resolution, to increase the maximum exemption allowable in paragraphs

 (a) and (b) of this subdivision to ten thousand dollars, fifteen

 thousand dollars and fifty thousand dollars, respectively; twelve

 thousand dollars, eighteen thousand dollars and sixty thousand dollars,

 respectively; fourteen thousand dollars, twenty-one thousand dollars and

 seventy thousand dollars, respectively; sixteen thousand dollars,

 twenty-four thousand dollars and eighty thousand dollars, respectively;

 eighteen thousand dollars, twenty-seven thousand dollars and ninety

 thousand dollars, respectively; twenty thousand dollars, thirty thousand

 dollars and one hundred thousand dollars, respectively; twenty-two

 thousand dollars, thirty-three thousand dollars and one hundred ten

 thousand dollars, respectively; twenty-four thousand dollars, thirty-six

 thousand dollars and one hundred twenty thousand dollars, respectively;

 twenty-six thousand dollars, thirty-nine thousand dollars, and one

 hundred thirty thousand dollars, respectively; twenty-eight thousand

 dollars, forty-two thousand dollars, and one hundred forty thousand

 dollars, respectively; and thirty thousand dollars, forty-five thousand

 dollars and one hundred fifty thousand dollars, respectively. In

 addition, a county, city, town or village which is a "high-appreciation

 municipality" as defined in this subparagraph is authorized to adopt a

 local law, and each school district which is within a high-appreciation

 municipality is authorized to adopt a resolution, to increase the

 maximum exemption allowable in paragraphs (a) and (b) of this

 subdivision to twenty-six thousand dollars, thirty-nine thousand dollars

 and one hundred thirty thousand dollars, respectively; twenty-eight

 thousand dollars, forty-two thousand dollars and one hundred forty

 thousand dollars, respectively; thirty thousand dollars, forty-five

 thousand dollars and one hundred fifty thousand dollars, respectively;

 thirty-two thousand dollars, forty-eight thousand dollars and one

 hundred sixty thousand dollars, respectively; thirty-four thousand

 dollars, fifty-one thousand dollars and one hundred seventy thousand

 dollars, respectively; thirty-six thousand dollars, fifty-four thousand

 dollars and one hundred eighty thousand dollars, respectively;

 thirty-eight thousand dollars, fifty-seven thousand dollars and one

 hundred ninety thousand dollars, respectively; forty thousand dollars,

 sixty thousand dollars and two hundred thousand dollars, respectively;

 forty-two thousand dollars, sixty-three thousand dollars and two hundred

 ten thousand dollars, respectively; forty-four thousand dollars,

 sixty-six thousand dollars and two hundred twenty thousand dollars,

 respectively; forty-six thousand dollars, sixty-nine thousand dollars

 and two hundred thirty thousand dollars, respectively; forty-eight

 thousand dollars, seventy-two thousand dollars and two hundred forty

 thousand dollars, respectively; fifty thousand dollars, seventy-five

 thousand dollars and two hundred fifty thousand dollars, respectively.

 For purposes of this subparagraph, a "high-appreciation municipality"

 means: (A) a special assessing unit that is a city, (B) a county for

 which the commissioner has established a sales price differential factor

 for purposes of the STAR exemption authorized by section four hundred

 twenty-five of this title in three consecutive years, and (C) a city,

 town or village which is wholly or partly located within such a county.

 3. Application for exemption shall be made by the owner, or all of the

 owners, of the property on a form prescribed by the commissioner. The

 owner or owners shall file the completed form in the assessor's office

 on or before the first appropriate taxable status date. The exemption

 shall continue in full force and effect for all appropriate subsequent

 tax years and the owner or owners of the property shall not be required

 to refile each year. Applicants shall be required to refile on or before

 the appropriate taxable status date if the percentage of disability

 percentage increases or decreases or may refile if other changes have

 occurred which affect qualification for an increased or decreased amount

 of exemption. Any applicant convicted of willfully making any false

 statement in the application for such exemption shall be subject to the

 penalties prescribed in the penal law.

 4. Notwithstanding the provisions of this section or any other

 provision of law, in a city having a population of one million or more,

 applications for the exemption authorized pursuant to this section shall

 be considered timely filed if they are filed on or before the fifteenth

 day of March of the appropriate year.

 5. A local law or resolution adopted pursuant to this section may be

 repealed by the governing body of the applicable county, city, town,

 village, school district or, in the case of a city with a population of

 one million or more, the local legislative body. Such repeal shall occur

 at least ninety days prior to the taxable status date of such county,

 city, town, village, school district or legislative body.

 6. Notwithstanding any other provision of law to the contrary, the

 provisions of this section shall apply to any real property held in

 trust solely for the benefit of a person or persons who would otherwise

 be eligible for a real property tax exemption, pursuant to this section,

 were such person or persons the owner or owners of such real property.

 7. (a) For the purposes of this section, title to the portion of real

 property owned by a cooperative apartment corporation in which a

 tenant-stockholder of such corporation resides and which is represented

 by his or her share or shares of stock in such corporation as determined

 by its or their proportional relationship to the total outstanding stock

 of the corporation, including that owned by the corporation, shall be

 deemed to be vested in such tenant-stockholder.

 (b) Provided that all other eligibility criteria of this section are

 met, that proportion of the assessment of such real property owned by a

 cooperative apartment corporation determined by the relationship of such

 real property vested in such tenant-stockholder to such real property

 owned by such cooperative apartment corporation in which such

 tenant-stockholder resides shall be subject to exemption from taxation

 pursuant to this section and any exemption so granted shall be credited

 by the appropriate taxing authority against the assessed valuation of

 such real property; the reduction in real property taxes realized

 thereby shall be credited by the cooperative apartment corporation

 against the amount of such taxes otherwise payable by or chargeable to

 such tenant-stockholder.

 (c) Notwithstanding paragraph (b) of this subdivision, a

 tenant-stock-holder who resides in a dwelling that is subject to the

 provisions of either article two, four, five or eleven of the private

 housing finance law shall not be eligible for an exemption pursuant to

 this section.

 (d) Notwithstanding paragraph (b) of this subdivision, real property

 owned by a cooperative corporation may be exempt from taxation pursuant

 to this section by a municipality in which such property is located only

 if the governing body of such municipality, after public hearing, adopts

 a local law, ordinance or resolution providing therefor.

 8. The commissioner shall develop in consultation with the director of

 the New York state division of veterans' affairs a listing of documents

 to be used to establish eligibility under this section, including but

 not limited to a certificate of release or discharge from active duty

 also known as a DD-214 form or an Honorable Service Certificate/Report

 of Causality from the department of defense. Such information shall be

 made available to each county, city, town or village assessor's office,

 or congressional chartered veterans service officers who request such

 information. The listing of acceptable military records shall be made

 available on the internet websites of the division of veterans' affairs

 and the office of real property tax services.

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