New York State Department of Taxation and Finance
Office of Real Property Tax Services

RP-458-a-Ins (1/14)

Instructions For Application for Alternative Veterans Exemption From Real Property Taxation

New York State Real Property Tax Law, section 458-a, provides a limited exemption from real property taxes for real property owned by persons who rendered military service to the United States, provided such property meets the requirements set forth in the law. The task of administering this law lies primarily with local assessors who are required to pass upon each application for exemption.

These instructions are intended to assist applicants in the completion of Form RP-458-a (also available at *www.tax.ny.gov)*, and to discuss issues concerning the Alternative Veterans Exemption. Technical discussion has been avoided so that the material will have the widest possible usefulness. Veterans should address their inquiries to their local office of the New York State Division of Veterans' Affairs or their County Veterans' Service Agency.

New York State Real Property Tax Law, section 458-a, provides an alternative exemption from real property taxation for qualified residential real property owned by veterans of defined periods of war, veterans who received expeditionary medals, or certain members of their family based on a percentage of assessed value. The alternative exemption is applicable to general municipal and school district taxes, but not to special ad valorem levies or special assessments.

Each county, city, town, and village was originally given the option of deciding whether to grant the alternative exemption. If the decision was made initially not to grant the Alternative Veterans Exemption, the local legislative body may change that decision. In addition, school districts are now authorized to allow the exemption, by resolution after public hearings. You should check with your assessor to determine whether the exemption is available for your property.

A qualified residential parcel receives an exemption equal to 15% of its assessed value. Where the veteran can document service in a combat theater or combat zone, the property receives an additional exemption equal to 10% of its assessed value. Where a veteran has received a service-connected disability rating from the Veterans' Administration or the U.S. Department of Defense, there is an additional exemption which is equal to one-half of the disability rating, multiplied by the assessed value of the property. Each of these is subject to maximum limits set by the municipality. The municipal choices of maximum exemptions generally available are:

	Reduced maximums		Basic max.	Increased maximum							
Wartime	6000	9000	12000	15000	18000	21000	24000	27000	30000	33000	36000
Combat Zone	4000	6000	8000	10000	12000	14000	16000	18000	20000	22000	24000
Disability	20000	30000	40000	50000	60000	70000	80000	90000	100000	110000	120000

In *high appreciation municipalities* (defined below) the governing board may adopt still higher limits of:

Wartime	39000	42000	45000	48000	51000	54000
Combat Zone	26000	28000	30000	32000	34000	36000
Disability	130000	140000	150000	160000	170000	180000

A *high-appreciation municipality* means: (1) New York City, (2) a county for which ORPTS has established a sales price differential factor for purposes of the school tax relief (STAR) exemption (Real Property Tax Law, section 425) for three consecutive years, or (3) a city, town, village, or school district which is wholly or partly located within such a county. ORPTS maintains a list of such counties on its website at: *www.tax.ny.gov/pit/property/star/diff.htm*

You should check with your assessor to determine the maximum exemption limits in the municipalities in which you reside.

Once the municipality has chosen the maximum exemption amounts, the maximum amounts must then be multiplied by the latest final state equalization rate, special equalization rate, or, in special assessing units (i.e., New York City and Nassau County), class ratio (if the equalization rate or class ratio is 100 or less), for the assessing unit in order to arrive at the applicable maximums for each assessment roll. These rates and ratios normally change from year to year; this will affect the maximum exemption amounts.

Line instructions

Lines 1 and 2 – Where the property is owned by more than one person, include names, telephone numbers, and post office addresses of all owners. Attach additional sheets if more space is necessary to answer this or any other question on this form. **Note:** if a person holds a life estate in the property, that person is the legal owner of the property. If the property is held in trust, the trustees are the legal owners of the property, but the exemption also may be allowed if the beneficiary of the trust is a person in the exempt class. The trustee-beneficiary relationship should be explained on Form RP-458-a, line 4, and any additional information should be provided on the basis of the beneficiary's qualification for exemption. Attach a copy of the trust or other proof of such trustee-beneficiary relationship. At local option, a municipality may grant

the exemption to otherwise qualifying owners who are tenant-stockholders of cooperative apartment corporations. The exemption is then applied to that proportion of the assessment as represents the tenant-stockholder's percentage of ownership of stock in the corporation.

Line 3 – The location of the property should conform to its description on the latest assessment roll. Contact your local assessor for assistance in furnishing this description.

Line 4 – A qualifying owner for the alternative exemption includes a veteran of a defined period of war, the recipient of an expeditionary medal, the spouse of such veteran or the unremarried surviving spouse. If there is no unremarried surviving spouse, the exemption may continue, provided title to the residence becomes vested in the dependent father or mother, or dependent child or children under 21 years of age of the veteran and the property is the primary residence of one or all the devises. A veteran who is also the unremarried surviving spouse of a veteran may also receive any exemption to which the deceased spouse was entitled. At local option, a municipality may offer the exemption to a parent of a child who died in the line of duty while serving in the U.S. Armed Forces. Such *Gold Star Parents* should check with the assessor to determine whether the option is available locally.

Lines 5 and 6 – The veteran must have served on active duty in the U.S. Armed Forces during the Persian Gulf conflict (commencing August 2, 1990), the Vietnam War (February 28, 1961-May 7, 1975); Korean War (June 27, 1950-January 31,1955); or World War II (December 7, 1941-December 31, 1946), and been honorably discharged or released from service. A veteran also includes a recipient of an armed forces, navy or marine corps expeditionary medal and a member of a reserve component of the U.S. Armed Forces who served honorably while on active duty (other than *active duty for training*) and who has returned to reserve status. A veteran also includes certain individuals who served during World War II in the United States Merchant Marine, the United States Army Transport Service (oceangoing service), the American Field Service (overseas duty), or as civilian flight crew or ground support in Pan American World Airways pursuant to its contract with Air or Naval Transport Command. The dates of the Korean and Vietnam Wars and Persian Gulf conflict are prescribed in New York State law, while the dates of the other wars are derived from Federal law. As proof of the dates and character of service, a copy of DD Form 214, *Report of Transfer or Discharge,* or other appropriate evidence should be attached to your application.

Line 7 – If the additional alternative exemption is to be granted based on service in a combat zone or combat theater, evidence of the award of a United States campaign ribbon or service medal documenting such service must be submitted. Veterans who qualify based on receipt of one or more expeditionary medals also qualify for the additional combat zone or theater exemption.

Line 8 – If the additional alternative exemption is to be granted based on service-connected disability rating, evidence of exemption eligibility must be provided by the property owner. Where an exemption has been granted pursuant to NYS Real Property Tax Law, section 458-a, based on the veteran's service-connected disability, the percentage of such disability must be re-certified prior to taxable status date if the disability percentage increases or decreases (see Form RP-458-a-Dis, *Renewal Application for Alternative Veterans Exemption From Real Property Taxation Based on Change in Service-Connected Disability Compensation Rating)*. If the veteran is deceased, such rating is the last rating received prior to the veteran's death. Where the veteran died in service of a service-connected disability, the veteran is deemed to have been assigned a compensation rating of 100%. For assistance in obtaining disability rating information, you should contact your local office of the New York State Division of Veterans' Affairs or your County Veterans' Service Agency. (**Note:** this additional exemption is not available to *Gold Star Parents*.)

Line 9 – To obtain the alternative exemption, the property must be the primary residency of the veteran, his or her unremarried surviving spouse, or (if applicable) his or her *Gold Star Parent,* unless such person is absent from the property due to medical reasons or institutionalization.

Line 10 – To obtain the alternative exemption, the property must be used exclusively for residential purposes. However, if a portion of the property is used for other than residential purposes, the exemption applies only to that portion which is used exclusively for residential purposes.

Line 11 – For an alternative exemption, eligibility depends, in part, on who has the title to qualifying residential real property. Attach a copy of the deed to your application.

Line 12 – New York State Real Property Tax Law, section 458, provides an exemption from real property taxation owned by veterans or other members of the eligible class which is purchased with the proceeds of a veteran's pension, bonus or insurance (or dividends or refunds on such insurance) or compensation paid to prisoners of war. These moneys are called *eligible funds* and are paid by the United States or New York State in recognition of the veteran's military service. This section provides an exemption from general municipal taxes, but not school taxes, special ad valorem levies or special assessments. Property is exempt to the extent that eligible funds are used in the purchase, generally, not to exceed $5,000.

In some municipalities, however, property may be eligible for an exemption in excess of the $5,000 limitation. If your property is receiving an eligible funds exemption in a municipality which has changed from fractional assessment to full value assessment, and if that municipality timely adopted a local law preserving the value of eligible funds exemption on a pro rata basis, and that local law remains in effect, your eligible funds exemption will increase or decrease as a result of the change to full value assessment. Similarly, if your municipality has opted to apply the change in level of assessment factor to eligible funds exemptions, the amount of exemption will increase or decrease when such change occurs. (For more information concerning the eligible funds exemption and the appropriate form (RP-458), contact your assessor.)

Where a municipality grants the Alternative Veterans Exemption, no new eligible funds exemption may be granted thereafter. In a municipality granting the alternative exemption, a veteran receiving an eligible funds exemption on his/her primary residence can retain that exemption, or may apply for the alternative exemption by submitting a new application to the assessor.

If the veteran earlier converted from eligible funds to the alternative exemption, and moves to a county, city, town or village not granting the alternative exemptions, he/she can again receive the eligible funds exemption. Similarly, if a municipality which grants the alternative exemption adopts a local law to allow veterans, who previously received the eligible funds exemption but who switched to the alternative exemption, to switch back to the eligible funds exemption and receive the change in level of assessment, veterans have one year from the date of the local law to apply to switch back (get Form RP-458 from your assessor or the Office of Real Property Tax Service's website at *www.tax.ny.gov/forms/orpts/exemption.htm).*

FILING THE APPLICATION

Application (Form RP-458-a) for exemption must be made to the local assessors. Where property is located in a village which assesses, separate applications must be filed with both the village and town assessors. The application must be filed on or before taxable status date. Taxable status date for most towns is March 1. In Nassau County, the taxable status date for towns is January 2. Westchester County towns have either a May 1 or June 1 taxable status date; contact the assessor. Taxable status date for most villages which assess is January 1; however, the village clerk should be consulted to insure certainty. Charter provisions control in cities so inquiry should be made of city assessors for the taxable status dates in cities. In New York City, taxable status date is January 5, but applications for this exemption may be filed on or before March 15. At local option, where property receiving exemption pursuant to New York State Real Property Tax Law, section 458-a, is sold and the owner purchases replacement property within the same city, town, or village, the former exemption may be transferred to the new property and be granted on a pro rata basis for the balance of the fiscal year. To continue the exemption thereafter, a new application must be file on or before taxable status date. **Do not file the application with ORPTS.**