

Ulster County Maximum Exemption Limits for

Real Property Tax Law 458-a Alternate Veterans Exemption

	Percent of Exemption for Wartime	Additional Percent for Combat	Additional Percent for Disability	Equalized Full Property Value at Maximum Limits
	15%	10%	50%	
Municipalities	Maximum Amounts of Exempt Value on 2013 Assessment Roll			
County of Ulster	36,000	24,000	120,000	240,000
City of Kingston	24,000	16,000	80,000	160,000
Village of Ellenville	0	0	0	0
Village of New Paltz	0	0	0	0
Village of Saugerties	27,000	18,000	90,000	180,000
Towns				
Denning	12,000	8,000	40,000	80,000
Esopus	18,000	12,000	60,000	120,000
Gardiner	27,000	18,000	90,000	180,000
Hardenburgh	0	0	0	0
Hurley	21,000	14,000	70,000	140,000
Kingston	27,000	18,000	90,000	180,000
Lloyd	36,000	24,000	120,000	240,000
Marbletown	27,000	18,000	90,000	180,000
Marlborough	27,000	18,000	90,000	180,000
New Paltz	27,000	18,000	90,000	180,000
Olive	27,000	18,000	90,000	180,000
Plattekill	24,000	16,000	80,000	160,000
Rochester	36,000	24,000	120,000	240,000
Rosendale	36,000	24,000	120,000	240,000
Saugerties	27,000	18,000	90,000	180,000
Shandaken	27,000	18,000	90,000	180,000
Shawangunk	12,000	8,000	40,000	80,000
Ulster	27,000	18,000	90,000	180,000
Wawarsing	12,000	8,000	40,000	80,000
Woodstock	27,000	18,000	90,000	180,000

	Pursuant to Local Law		Basic Max.									
Wartime	\$6,000	\$9,000	\$12,000	\$15,000	\$18,000	\$21,000	\$24,000	\$27,000	\$30,000	\$33,000	\$36,000	\$39,000
Combat Zone	\$4,000	\$6,000	\$8,000	\$10,000	\$12,000	\$14,000	\$16,000	\$18,000	\$20,000	\$22,000	\$24,000	\$26,000
Disability	\$20,000	\$30,000	\$40,000	\$50,000	\$60,000	\$70,000	\$80,000	\$90,000	\$100,000	\$110,000	\$120,000	\$130,000

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

Wartime	\$39,000	\$42,000	\$45,000	\$48,000	\$51,000	\$54,000
Combat Zone	\$26,000	\$28,000	\$30,000	\$32,000	\$34,000	\$36,000
Disability	\$130,000	\$140,000	\$150,000	\$160,000	\$170,000	\$180,000

A "high-appreciation municipality" means: (1) New York City, (2) a county for which the Office of Real Property Tax Services (ORPTS) has established a sales price differential factor for purposes of the school tax relief [STAR] exemption (Real Property Tax Law, sec. 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.

Thus the maximum exemption allowed is 75%, where a veteran served during a period of war in a combat zone and has a 100% service-connected disability rating. (See Calculation of Exemption below for more specific information.)

When §458-a, the alternative veterans exemption, was enacted in 1984 and subsequently became effective in many taxing jurisdictions, some veterans in these jurisdictions who already had eligible funds exemptions under §458 chose to switch to the alternative exemption. Other veterans chose to keep their eligible funds exemptions, and some of these veterans, in certain revaluation situations, were granted pro rated exemptions under former §458(5). In 1994, the "pro rata" exemption was repealed and a new §458(5) enacted authorizing, at local option, a "change in level" exemption instead. Current §458(5) also allows those taxing jurisdictions which both allow alternative veterans exemptions and enact a local law adopting the "change in level" exemption to include in their law a provision that allows veterans who once had an eligible funds exemption but later switched to the alternative veterans exemption to switch back to the eligible funds exemption, thereby qualifying them for "change in level" exemptions. For details on the "change in level" exemption and its administration, see the Exemption Profile for RPTL §458.

NOTE: School districts may not offer the eligible funds exemption (RPTL §458).

A. ELIGIBILITY REQUIREMENTS

1. **Ownership Requirements:** The property must be owned by a "qualified owner," namely a veteran, the spouse of a veteran or the unremarried surviving spouse of a veteran. Where property is owned by more than one qualified owner, the exemption to which each is entitled may be combined. Also, a qualified owner includes a Gold Star Parent (defined as the parent of a child who died in the line of duty while serving in the United States Armed Forces during a period of war), where allowed by local option. The ownership requirement is also satisfied if the veteran, the veteran's spouse, the veteran's unremarried surviving spouse, or, if allowed by local option, the Gold Star Parent is the legal life tenant of the property. If the title has been transferred to a trust, the property is eligible for the exemption if the trustees or trust beneficiaries otherwise qualify.

If the veteran dies and there is no unremarried surviving spouse, the property may qualify for exemption if title to the property is vested in the veteran's dependent child or children under the age of 21 years or dependent parent(s), provided that the dependent uses the property as his primary residence. A veteran who is also the unremarried surviving spouse of a veteran may receive any exemption to which the deceased spouse was entitled.

A veteran is defined as any of the following:

- a. A person who served in the active military, naval, or air service of the U.S. during a period of war (Spanish-American War, Mexican Border War, World War I, World War II, Korean War (6/27/50 - 1/31/55), Vietnam War (2/28/61 - 5/7/75), or Persian Gulf conflict (on or after 8/2/90) and who

was discharged or released under honorable conditions.

- b. A person who was awarded an Armed Forces Expeditionary Medal, a Navy and Marine Corps Expeditionary Medal, or a Global War on Terrorism Expeditionary Medal and who was discharged or released under honorable conditions.
- c. A crew member of the merchant marine who served during World War II and (1) was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman as documented by the U.S. Coast Guard or Department of Commerce or as a civil servant employed by the U.S. Army Transport Service or the Naval Transportation Service, (2) served satisfactorily as a crew member during World War II (December 7, 1941 to August 15, 1945) aboard (a) a merchant vessel in oceangoing (foreign, intercoastal, or coastwise) voyages or "near foreign" voyages between the U.S. and Canada, Mexico, or the West Indies via ocean routes or (b) a public vessel in oceangoing service or foreign waters, and (3) received a Certificate of Release or Discharge from Active Duty and a discharge certificate, or an Honorable Service Certificate/Report of Casualty from the Department of Defense.
- d. An American Field Service member who served during World War II and (1) was employed by the American Field Service, (2) served overseas under U.S. Armies and U.S. Army Groups in World War II (December 7, 1941 to May 8, 1945), and (3) was discharged or released therefrom under honorable conditions.
- e. A United States civilian who (1) served overseas as a flight crew and aviation ground support employee of Pan American World Airways or one of its subsidiaries or affiliates as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during World War II (December 14, 1941 to August 14, 1945) and (2) was discharged or released therefrom under honorable conditions.
- f. A member of one of the reserve components of the U.S. armed forces who received an honorable discharge or release therefrom under honorable conditions, but is still a member of the reserve component may be granted the alternative veterans exemption provided that such a member meets all other qualifications for receiving the exemption.

2. **Property Location Requirements:** None.

3. **Property Use Requirements:** The property must be used exclusively for residential purposes. It must also be the primary residence of the veteran the unremarried surviving spouse of the veteran, or, if allowed by local option, a Gold Star Parent, unless that person is absent from the property due to medical reasons or institutionalization. In the event that a portion of the property is not used exclusively for residential purposes, that portion is not entitled to the exemption. In such cases, the assessor may apportion the assessed value and apply the exemption only to the residential portion of the property.

4. **Certification by State or Local Government:** None required.

5. **Required Construction Start Date or Other Time Requirement:** None.

- B. **LOCAL OPTION:** Yes - Each county, city, town, and village originally had the option to disallow the exemption. This option had to be exercised through adoption of a local law no later than 90 days prior to the 1985 taxable status date in the jurisdiction. The local law may be repealed if at a later date the jurisdiction decides to allow the exemption.

In addition, school districts are now authorized to allow the exemption, by resolution after a public hearing.

A jurisdiction which allows the exemption has the additional option of using the maximum exempt values authorized by state law for the three veterans categories or passing a local law (or in the case of a school district, a resolution) establishing one of the two lower sets of maximum exempt values or one of the eight (or fourteen, in the case of a "high-appreciation municipality") higher sets (see Summary above).

A jurisdiction which allows the exemption has another option of adopting a local law or resolution which extends eligibility to residential property owned by Gold Star Parents, and used as their primary residence. Note that the additional exemption based on a veteran's disability, i.e., 50% of the service-connected disability rating is **not** available to Gold Star Parents.

In addition, each taxing jurisdiction may adopt a local law, ordinance or resolution to allow that portion of a cooperative apartment corporation held by an otherwise eligible veteran tenant/stockholder to be eligible for an exemption from real property taxes. If allowed, the amount of the exemption must be determined by the assessor, based upon the proportion of the outstanding stock held by the eligible shareholder, and credited against the taxes charged to the corporation. Eligible stockholders would receive an adjustment to their monthly maintenance fees by the cooperative apartment corporation to reflect the benefit of the exemption. However, this exemption may not be granted to apartments subject to the provisions of Private Housing Finance Law Articles 2, 4, 5, or 11.

Lastly, each taxing jurisdiction may adopt a local law, ordinance or resolution to allow a transferred prorated exemption to a veteran, the spouse or unremarried surviving spouse of the veteran who sells his or her property upon which he or she has been receiving an exemption under §458-a, and who purchases a replacement property within the same taxing jurisdiction.

C. LIMITATION ON EXEMPTION:

General Municipal Taxes		School District Taxes	Special Ad Valorem Levies	Special Assessments
1. Amount	Yes*	Yes*	No exemption allowed	No exemption allowed
2. Duration	No limit	No limit	No exemption allowed	No exemption allowed
3. Taxing Jurisdiction a. County or County Special Districts	Ex**	NA	Tax	Tax
b. City	Ex**	NA	NA	Tax
c. Town or Town Special District	Ex**	NA	Tax	Tax
d. Village	Ex**	NA	NA	Tax
e. School District	NA	Ex***	NA	NA
		Ex-Exempt	Tax-Taxable	NA-Not Applicable

* See Calculation of Exemption below.

** Unless disallowed by local option. If allowed by local option, tax districts may adopt the cooperative apartment provisions of RPTL §458-a(6).

*** If allowed by local option.

D. PAYMENTS IN LIEU OF TAXES: None required.

E. CALCULATION OF EXEMPTION:

1. General Municipal and School District Taxes:

a. Non-combat zone veteran without disability rating

the lesser of **either** (1) 15% of assessed value or (2) one of the following dollar amounts multiplied by the latest final state equalization rate (or special equalization rate) or, in the case of special assessing units, the latest class ratio:

(a)	if below maximum reduced by local law (option 1)	\$6,000
(b)	if below maximum reduced by local law (option 2)	\$9,000
(c)	if state authorized maximum not reduced or increased by law	\$12,000

(d)	if above maximum increased by local law (option 3)	\$15,000
(e)	if above maximum increased by local law (option 4)	\$18,000
(f)	if above maximum increased by local law (option 5)	\$21,000
(g)	if above maximum increased by local law (option 6)	\$24,000
(h)	if above maximum increased by local law (option 7)	\$27,000
(i)	if above maximum increased by local law (option 8)	\$30,000
(j)	if above maximum increased by local law (option 9)	\$33,000
(k)	if above maximum increased by local law (option 10)	\$36,000
(l)	if above maximum increased by local law (option 11, high-appreciation municipalities only*)	\$39,000
(m)	if above maximum increased by local law (option 12, high-appreciation municipalities only*)	\$42,000
(n)	if above maximum increased by local law (option 13, high-appreciation municipalities only*)	\$45,000
(o)	if above maximum increased by local law (option 14, high-appreciation municipalities only*)	\$48,000
(p)	if above maximum increased by local law (option 15, high-appreciation municipalities only*)	\$51,000
(q)	if above maximum increased by local law (option 16, high-appreciation municipalities only*)	\$54,000
<p>* 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, sec. 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: /pit/property/star/diff.htm</p>		

b. Combat zone veteran without disability rating

the lesser of either (1) 25% of assessed value or (2) one of the following dollar amounts multiplied by the latest final state equalization rate (or special equalization rate) or class ratio:

(a)	if below maximum reduced by local law (option 1)	\$10,000
(b)	if below maximum reduced by local law (option 2)	\$15,000
(c)	if state authorized maximum not reduced or increased by law	\$20,000
(d)	if above maximum increased by local law (option 3)	\$25,000
(e)	if above maximum increased by local law (option 4)	\$30,000
(f)	if above maximum increased by local law (option 5)	\$35,000
(g)	if above maximum increased by local law (option 6)	\$40,000
(h)	if above maximum increased by local law (option 7)	\$45,000
(i)	if above maximum increased by local law (option 8)	\$50,000

(j)	if above maximum increased by local law (option 9)	\$55,000
(k)	if above maximum increased by local law (option 10)	\$60,000
(l)	if above maximum increased by local law (option 11, high-appreciation municipalities only*)	\$65,000
(m)	if above maximum increased by local law (option 12, high-appreciation municipalities only*)	\$70,000
(n)	if above maximum increased by local law (option 13, high-appreciation municipalities only*)	\$75,000
(o)	if above maximum increased by local law (option 14, high-appreciation municipalities only*)	\$80,000
(p)	if above maximum increased by local law (option 15, high-appreciation municipalities only*)	\$85,000
(q)	if above maximum increased by local law (option 16, high-appreciation municipalities only*)	\$90,000
<p>* 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, sec. 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</p>		

c. Non-combat zone veteran with disability rating*

the exempt amount determined in step a. above plus the lesser of either (1) 1/2 of the disability rating multiplied by the assessed value or (2) one of the following dollar amounts multiplied by the latest final state equalization rate (or special equalization rate) or class ratio:

(a)	if below maximum reduced by local law (option 1)	\$20,000
(b)	if below maximum reduced by local law (option 2)	\$30,000
(c)	if state authorized maximum not reduced or increased by law	\$40,000
(d)	if above maximum increased by local law (option 3)	\$50,000
(e)	if above maximum increased by local law (option 4)	\$60,000
(f)	if above maximum increased by local law (option 5)	\$70,000
(g)	if above maximum increased by local law (option 6)	\$80,000
(h)	if above maximum increased by local law (option 7)	\$90,000
(i)	if above maximum increased by local law (option 8)	\$100,000
(j)	if above maximum increased by local law (option 9)	\$110,000
(k)	if above maximum increased by local law (option 10)	\$120,000
(l)	if above maximum increased by local law (option 11, high-appreciation municipalities only**)	\$130,000
(m)	if above maximum increased by local law (option 12, high-appreciation municipalities only**)	\$140,000

(n)	if above maximum increased by local law (option 13, high-appreciation municipalities only**)	\$150,000
(o)	if above maximum increased by local law (option 14, high-appreciation municipalities only**)	\$160,000
(p)	if above maximum increased by local law (option 15, high-appreciation municipalities only**)	\$170,000
(q)	if above maximum increased by local law (option 16, high-appreciation municipalities only**)	\$180,000

*These sections do not apply to residential property owned by Gold Star Parents.

** 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, sec. 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

d. Combat zone veteran with disability rating*

the exempt amount determined in step b. above plus the lesser of either (1) 1/2 of the disability rating multiplied by the assessed value or (2) one of the following dollar amounts multiplied by the latest final state equalization rate (or special equalization rate) or class ratio:

(a)	if below maximum reduced by local law (option 1)	\$20,000
(b)	if below maximum reduced by local law (option 2)	\$30,000
(c)	if state authorized maximum not reduced or increased by law	\$40,000
(d)	if above maximum increased by local law (option 3)	\$50,000
(e)	if above maximum increased by local law (option 4)	\$60,000
(f)	if above maximum increased by local law (option 5)	\$70,000
(g)	if above maximum increased by local law (option 6)	\$80,000
(h)	if above maximum increased by local law (option 7)	\$90,000
(i)	if above maximum increased by local law (option 8)	\$100,000
(j)	if above maximum increased by local law (option 9)	\$110,000
(k)	if above maximum increased by local law (option 10)	\$120,000
(l)	if above maximum increased by local law (option 11, high-appreciation municipalities only**)	\$130,000

Alternative Veterans Exemption RPTL 458-a

Highland Central School District

	State Basic Maximum	Increased Maximum
Wartime	\$12,000	\$36,000
Combat	\$8,000	\$24,000
Disability	\$40,000	\$120,000
Potential Maximun Tax Impact		
Esopus	\$1,102	\$3,307
Lloyd	\$143,963	\$431,890
Marlborough	\$3,815	\$11,446
New Paltz	\$1,669	\$5,007
Plattekill	\$19,161	\$57,483
Total Potential Tax Impact	\$169,710	\$509,133

The above totals represent the maximum potential tax impact for the number of 458-a exemptions on the 2013 assessment roll for two of the possible maximum exemption categories allowed.

565

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. CUSICK, ORTIZ, ABBATE, BENEDETTO, COLTON, COOK, ENGLEBRIGHT, MILLMAN, SCHIMMINGER, CASTRO, TITONE, ROBERTS, THIELE, ZEBROWSKI, RUSSELL, LUPARDO, BARRETT -- Multi-Sponsored by -- M. of A. BOYLAND, FARRELL, HAWLEY, MALLIOTAKIS, TENNEY -- read once and referred to the Committee on Veterans' Affairs

AN ACT to amend the real property tax law, in relation to authorizing certain exemptions from school district real property for veterans

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subparagraphs (i) and (ii) of paragraph (d) of subdivision
2 2 of section 458-a of the real property tax law, subparagraph (i) as
3 added by chapter 525 of the laws of 1984 and subparagraph (ii) as
4 amended by chapter 256 of the laws of 2005 and as further amended by
5 subdivision (b) of section 1 of part w of chapter 56 of the laws of
6 2010, are amended to read as follows:
7 (i) The exemption from taxation provided by this subdivision shall be
8 applicable to county, city, town [and], village AND SCHOOL DISTRICT
9 taxation[, but shall not be applicable to taxes levied for school
10 purposes] IF THE GOVERNING BODY OF THE SCHOOL DISTRICT IN WHICH THE
11 PROPERTY IS LOCATED, AFTER PUBLIC HEARINGS, ADOPTS A RESOLUTION PROVID-
12 ING SUCH EXEMPTION, THE PROCEDURE FOR SUCH HEARING AND RESOLUTION SHALL
13 BE CONDUCTED SEPARATELY FROM THE PROCEDURE FOR ANY HEARING AND LOCAL LAW
14 OR RESOLUTION CONDUCTED PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,
15 SUBDIVISION FOUR, PARAGRAPH (D) OF SUBDIVISION SIX AND PARAGRAPH (B) OF
16 SUBDIVISION SEVEN OF THIS SECTION.
17 (ii) Each county, city, town [or], village OR SCHOOL DISTRICT may
18 adopt a local law to reduce the maximum exemption allowable in para-
19 graphs (a), (b) and (c) of this subdivision to nine thousand dollars,
20 six thousand dollars and thirty thousand dollars, respectively, or six
21 thousand dollars, four thousand dollars and twenty thousand dollars,

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD00760-01-3

A. 565

2

1 respectively. Each county, city, town, [or] village OR SCHOOL DISTRICT
2 is also authorized to adopt a local law to increase the maximum
3 exemption allowable in paragraphs (a), (b) and (c) of this subdivision
4 to fifteen thousand dollars, ten thousand dollars and fifty thousand
5 dollars, respectively; eighteen thousand dollars, twelve thousand
6 dollars and sixty thousand dollars, respectively; twenty-one thousand
7 dollars, fourteen thousand dollars, and seventy thousand dollars,
8 respectively; twenty-four thousand dollars, sixteen thousand dollars,
9 and eighty thousand dollars, respectively; twenty-seven thousand
10 dollars, eighteen thousand dollars, and ninety thousand dollars, respec-

11 tively; thirty thousand dollars, twenty thousand dollars, and one
12 hundred thousand dollars, respectively; thirty-three thousand dollars,
13 twenty-two thousand dollars, and one hundred ten thousand dollars,
14 respectively; thirty-six thousand dollars, twenty-four thousand dollars,
15 and one hundred twenty thousand dollars, respectively. In addition, a
16 county, city, town [or], village OR SCHOOL DISTRICT which is a "high-ap-
17preciation municipality" as defined in this subparagraph is authorized
18 to adopt a local law to increase the maximum exemption allowable in
19 paragraphs (a), (b) and (c) of this subdivision to thirty-nine thousand
20 dollars, twenty-six thousand dollars, and one hundred thirty thousand
21 dollars, respectively; forty-two thousand dollars, twenty-eight thousand
22 dollars, and one hundred forty thousand dollars, respectively; forty-
23 five thousand dollars, thirty thousand dollars and one hundred fifty
24 thousand dollars, respectively; forty-eight thousand dollars, thirty-two
25 thousand dollars and one hundred sixty thousand dollars, respectively;
26 fifty-one thousand dollars, thirty-four thousand dollars and one hundred
27 seventy thousand dollars, respectively; fifty-four thousand dollars,
28 thirty-six thousand dollars and one hundred eighty thousand dollars,
29 respectively. For purposes of this subparagraph, a "high-appreciation
30 municipality" means: (A) a special assessing unit that is a city, (B) a
31 county for which the commissioner has established a sales price differ-
32 ential factor for purposes of the STAR exemption authorized by section
33 four hundred twenty-five of this title in three consecutive years, and
34 (C) a city, town [or], village OR SCHOOL DISTRICT which is wholly or
35 partly located within such a county.

36 s 2. Paragraph (b) of subdivision 7 of section 458-a of the real prop-
37 erty tax law, as added by chapter 326 of the laws of 2000, is amended to
38 read as follows:

39 (b) A county, city, town, [or] village OR SCHOOL DISTRICT may adopt a
40 local law to include a Gold Star Parent within the definition of "quali-
41 fied owner", as provided in paragraph (c) of subdivision one of this
42 section, and to include property owned by a Gold Star Parent within the
43 definition of "qualifying residential real property" as provided in
44 paragraph (d) of subdivision one of this section, provided that such
45 property shall be the primary residence of the Gold Star Parent.

46 s 3. This act shall take effect immediately.