

# STATE OF NEW YORK

4742

2025-2026 Regular Sessions

## IN SENATE

February 12, 2025

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the real property tax law, in relation to a property tax exemption for active duty service members of the armed forces of the United States

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The section heading of section 458-a of the real property  
2 tax law, as added by chapter 525 of the laws of 1984, is amended to read  
3 as follows:

4 Veterans; active military; alternative exemption.

5 § 2. Paragraphs (c) and (d) of subdivision 1 of section 458-a of the  
6 real property tax law, paragraph (c) as amended by chapter 100 of the  
7 laws of 1988, paragraph (d) as amended by chapter 899 of the laws of  
8 1985, are amended and a new paragraph (h) is added to read as follows:

9 (c) "Qualified owner" means a veteran, the spouse of a veteran [~~or~~],  
10 the unremarried surviving spouse of a veteran or an active duty service  
11 member of the armed forces of the United States. Where property is  
12 owned by more than one qualified owner, the exemption to which each is  
13 entitled may be combined. Where a veteran is also the unremarried  
14 surviving spouse of a veteran, such person may also receive any  
15 exemption to which the deceased spouse was entitled.

16 (d) "Qualifying residential real property" means property owned by a  
17 qualified owner which is used exclusively for residential purposes;  
18 provided however, that in the event any portion of such property is not  
19 so used exclusively for residential purposes but is used for other  
20 purposes, such portion shall be subject to taxation and the remaining  
21 portion only shall be entitled to the exemption provided by this  
22 section. Such property must be the primary residence of the veteran or  
23 unremarried surviving spouse of the veteran or active duty service

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

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1 member, unless the veteran or unremarried surviving spouse or active  
2 duty service member is absent from the property due to medical reasons  
3 or institutionalization. In the event the veteran or active duty service  
4 member dies and there is no unremarried surviving spouse, "qualifying  
5 residential real property" shall mean the primary residence owned by a  
6 qualified owner prior to death, provided that the title to the property  
7 becomes vested in the dependent [~~father or mother~~] parent or dependent  
8 child or children under twenty-one years of age of a veteran or active  
9 duty service member by virtue of devise by or descent from the deceased  
10 qualified owner, provided that the property is the primary residence of  
11 one or all of the devisees.

12 (h) "Active duty service member" shall mean an individual performing  
13 active military service in the armed forces of the United States as set  
14 forth in subdivision eight of section one of the military law.

15 § 3. Paragraph (b) of subdivision 2 of section 458-a of the real prop-  
16 erty tax law, as amended by chapter 473 of the laws of 2004, is amended  
17 to read as follows:

18 (b) In addition to the exemption provided by paragraph (a) of this  
19 subdivision, where the veteran or active duty service member served in a  
20 combat theatre or combat zone of operations, as documented by the award  
21 of a United States campaign ribbon or service medal, or the armed forces  
22 expeditionary medal, navy expeditionary medal, marine corps expedition-  
23 ary medal, or global war on terrorism expeditionary medal, qualifying  
24 residential real property also shall be exempt from taxation to the  
25 extent of ten percent of the assessed value of such property; provided,  
26 however, that such exemption shall not exceed eight thousand dollars or  
27 the product of eight thousand dollars multiplied by the latest state  
28 equalization rate for the assessing unit, or in the case of a special  
29 assessing unit, the class ratio, whichever is less.

30 § 4. Subdivisions 8 and 9 of section 458-a of the real property tax  
31 law, subdivision 8 as amended by chapter 538 of the laws of 2015, subdi-  
32 vision 9 as amended by section 83 of part PP of chapter 56 of the laws  
33 of 2022, are amended to read as follows:

34 8. Notwithstanding the provisions of paragraph (c) of subdivision one  
35 of this section and subdivision three of this section, the governing  
36 body of any municipality may, after public hearing, adopt a local law,  
37 ordinance or resolution providing that where a veteran, the spouse of  
38 the veteran [~~or~~], unremarried surviving spouse or active duty service  
39 member already receiving an exemption pursuant to this section sells the  
40 property receiving the exemption and purchases property within the same  
41 county, or in the case of a city having a population of one million or  
42 more persons, within the same city, the assessor shall transfer and  
43 prorate, for the remainder of the fiscal year, the exemption received.  
44 The prorated exemption shall be based upon the date the veteran, the  
45 spouse of the veteran [~~or~~], unremarried surviving spouse or active duty  
46 service member obtains title to the new property and shall be calculated  
47 by multiplying the tax rate or rates for each municipal corporation  
48 which levied taxes, or for which taxes were levied, on the appropriate  
49 tax roll used for the fiscal year or years during which the transfer  
50 occurred times the previously granted exempt amount times the fraction  
51 of each fiscal year or years remaining subsequent to the transfer of  
52 title. Nothing in this section shall be construed to remove the require-  
53 ment that any such veteran, the spouse of the veteran [~~or~~], unremarried  
54 surviving spouse or active duty service member transferring an exemption  
55 pursuant to this subdivision shall reapply for the exemption authorized  
56 pursuant to this section on or before the following taxable status date,

1 in the event such veteran, the spouse of the veteran [~~or~~], unremarried  
2 surviving spouse or active duty service member wishes to receive the  
3 exemption in future fiscal years.

4 9. The commissioner shall develop in consultation with the commission-  
5 er of the New York state department of veterans' services, and the  
6 United States department of defense, a listing of documents to be used  
7 to establish eligibility under this section, including but not limited  
8 to, military service records or a certificate of release or discharge  
9 from active duty also known as a DD-214 form or an Honorable Service  
10 Certificate/Report of Casualty from the department of defense. Such  
11 information shall be made available to each county, city, town or  
12 village assessor's office, or congressional chartered veterans service  
13 officers who request such information. The listing of acceptable mili-  
14 tary records shall be made available on the internet websites of the  
15 department of veterans' services and the office of real property tax  
16 services.

17 § 5. This act shall take effect immediately.