§ 458. Veterans. The following property shall be exempt from taxation:
1. All property exempt by law from execution, other than an exempt homestead. But real property purchased with the proceeds of a pension, bonus or insurance, or dividends or refunds on such insurance, or payments received as prisoner of war compensation from the United States government, heretofore or hereafter received, hereinafter referred to as eligible funds, granted by the United States or by this state for military or naval services, and owned by the person who rendered such services, or by the spouse or unremarried surviving spouse, or dependent father or mother, or the children under twenty-one years of age of such person is subject to taxation as herein provided.

(1) Such property shall be assessed in the same manner as other real property in the tax districts. On or before the appropriate taxable status date, a verified application on a form prescribed or approved by the commissioner for the exemption of such real property from taxation may be filed in the appropriate assessor's office by or on behalf of the owner thereof, which application must show the facts on which the exemption is claimed, including the amount of eligible funds used in or toward the purchase of such property.

(2) Except as provided in subdivision five of this section, no such exemption on account of eligible funds paid on account of military or naval services rendered by an individual shall be allowed in excess of seven thousand five hundred dollars. For the purposes of this subdivision any established exemption, or newly claimed exemption, or an aggregate thereof, as the case may be, in excess of any multiple of fifty dollars shall be regarded as being the nearest multiple of fifty dollars and allowed in such amount. If the amount of such exemption has no nearest multiple of fifty dollars, it shall be regarded as being the next higher multiple of fifty dollars and allowed in such amount. The mingling of such eligible funds with other funds or their retention by the United States for insurance premiums shall not bar the granting of a claim for such exemption.

(3) If the assessors are satisfied that the applicant is entitled to any exemption, they shall make appropriate entries upon the assessment-roll opposite the description of such property and subtract the total amount of such exemption from the total amount assessed pursuant to the provisions of paragraph one of this subdivision. Such

entries shall be made and continued in each assessment of the property so long as it is exempt from taxation for any purpose. Such real property, to the extent of the exemption entered by the assessors, shall be exempt from state, county and general municipal taxation. The governing body of a school district in which such property is located or, in the case of a city with a population of one million or more, the local legislative body, may, after public hearings, adopt a local law, ordinance or resolution providing for an exemption for local school purposes. The provisions herein, relating to the assessment and exemption of property purchased with eligible funds apply and shall be enforced in each municipal corporation authorized to levy taxes.

(4) If the application for exemption is not granted, the property shall be subject to taxation for all purposes.

(5) Notwithstanding the provisions of this section or any other provision of law, in any city with 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.

2. Real property purchased with moneys collected by popular subscription in partial recognition of extraordinary services rendered by any veteran of world war one, world war two, or of the hostilities which commenced June twenty-seventh, nineteen hundred fifty, who (a) was honorably discharged from such service, or (b) has a qualifying condition, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (c) is a discharged LGBT veteran, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, and who sustained permanent disability while on military duty, either total or partial, and owned by the person who sustained such injuries, or by his or her spouse or unremarried surviving spouse, or dependent father or mother, is subject to taxation as herein provided. Such property shall be assessed in the same manner as other real property in the tax district. At the meeting of the assessors to hear complaints concerning the assessments, a verified application for the exemption of such real property from taxation may be presented to them by or on behalf of the

owner thereof, which application must show the facts on which the exemption is claimed, including the amount of moneys so raised and used in or toward the purchase of such property. No exemption on account of any such gift shall be allowed in excess of five thousand dollars. The application for exemption shall be presented and action thereon taken in the manner provided by subdivision one of this section. If no application for exemption be granted, the property shall be subject to taxation for all purposes. The provisions herein, relating to the assessment and exemption of property purchased with moneys raised by popular subscription, apply and shall be enforced in each municipal corporation authorized to levy taxes.

3. In addition to any exemption from taxation on real property which may be allowed to veterans pursuant to the provisions of subdivisions one and two of this section, the primary residence of any seriously disabled veteran who is eligible for pecuniary assistance from the United States government, or who has received pecuniary assistance from the United States government and has applied such assistance toward the acquisition or modification of a suitable housing unit with special fixtures or movable facilities made necessary by the nature of the veteran's disability, and the necessary land therefor, shall be fully exempt from taxation and special district charges and assessments and special ad valorem levies. The same exemption shall also be allowed on such a housing unit owned by the unremarried surviving spouse of such veteran, or by such veteran and spouse while occupying such premises as a residence. The unremarried surviving spouse of such veteran may transfer the exemption to any new housing unit to be used as his or her primary residence. If an exemption has already been granted pursuant to the provisions of subdivisions one and two of this section, application for a further exemption as herein provided may be made and action taken thereon in the same manner as set forth in subdivision one of this section.

4. The definitions set forth in section one hundred two of this chapter shall not apply to this section and the terms used in this section shall have the same meaning as they had prior to the enactment of this chapter.

4-a. For the purposes of this section, the term "military or naval services" shall be deemed to also include service: (a) by a person who was employed by the War Shipping Administration or Office of Defense Transportation or their agents as a merchant seaman documented by the United States Coast Guard or Department of Commerce, or as a civil servant employed by the United States Army Transport Service (later redesignated as the United States Army Transportation Corps, Water Division) or the Naval Transportation Service; and who served satisfactorily as a crew member during the period of armed conflict, December seventh, nineteen hundred forty-one, to August fifteenth, nineteen hundred forty-five, aboard merchant vessels in oceangoing, i.e., foreign, intercoastal, or coastwise service as such terms are defined under federal law (46 USCA 10301 & 10501) and further to include "near foreign" voyages between the United States and Canada, Mexico, or the West Indies via ocean routes, or public vessels in oceangoing service or foreign waters and who has 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; (b) service by a United States civilian employed by the American Field Service who served overseas under United States Armies and United States Army Groups in world war II during the period of armed conflict, December seventh, nineteen hundred forty-one through May eighth, nineteen hundred forty-five, and who (i) was discharged or released therefrom under honorable conditions, or (ii) has a qualifying condition, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service; or (c) service by a United States civilian Flight Crew and Aviation Ground Support Employee of Pan American World Airways or one of its subsidiaries or its affiliates who served overseas as a result of Pan American's contract with Air Transport Command or Naval Air Transport Service during the period of armed conflict, December fourteenth, nineteen hundred forty-one through August fourteenth, nineteen hundred forty-five, and who (i) was discharged or released therefrom under honorable conditions,

or (ii) has a qualifying condition, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service, or (iii) is a discharged LGBT veteran, as defined in section one of the veterans' services law, and has received a discharge other than bad conduct or dishonorable from such service.

5. (a) Notwithstanding the limitation on the amount of exemption prescribed in subdivision one or two of this section, upon adoption of a local law by the governing board of a 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, that levies taxes or for which taxes are levied on an assessment roll, if the total assessed value of the real property for which such exemption has been granted increases or decreases as the result of a revaluation or update of assessments, and a material change in level of assessment, as provided in title two of article twelve of this chapter, is certified for the assessment roll pursuant to the rules of the commissioner, the assessor shall increase or decrease the amount of such exemption by multiplying the amount of such exemption by the change in level of assessment factor. If the assessor receives the certification after the completion, verification and filing of the final assessment roll, the assessor shall certify the amount of exemption as recomputed pursuant to this paragraph to the local officers having custody and control of the roll, and such local officers are hereby directed and authorized to enter the recomputed exemption certified by the assessor on the roll.

(b) Notwithstanding the provisions of paragraph (b) of subdivision six of this section, in municipalities granting exemptions pursuant to section four hundred fifty-eight-a of this article, a local law adopted pursuant to paragraph (a) of this subdivision may also authorize owners of property who previously received an exemption pursuant to this section, but who opted instead to receive exemption pursuant to section four hundred fifty-eight-a, to again receive an exemption pursuant to this section upon application by the owner within one year of the adoption of such local law. Where such provision is included in the local law, the assessor shall recompute all exemptions granted pursuant to this section by multiplying the amount of each such exemption by the

cumulative change in level of assessment factor certified by the commissioner measured from the assessment roll immediately preceding the assessment roll on which exemptions were first granted pursuant to section four hundred fifty-eight-a; provided, however, that if an exemption pursuant to this section was initially granted to a parcel on a later assessment roll, the cumulative change in level factor to be used in recomputing that exemption shall be measured from the assessment roll immediately preceding the assessment roll on which that exemption was initially granted. No refunds or retroactive entitlements shall be granted.

(c) Notwithstanding the provisions of subdivision four of this section, terms used in this subdivision shall be subject to the definitions of section one hundred two of this chapter. For special assessing units, the change in level of assessment factor to be used for purposes of this subdivision is the municipal-wide change in level of assessment factor determined for the class in which the property subject to exemption is included.

(d) (i) For the purposes of this paragraph (d), a "recompute exemption" means the sum of the original exemption and any additional eligible funds received multiplied by the change in level of assessment from the assessment roll in the year the exemption was originally granted.

(ii) An assessing unit which finally files a change in level of assessment roll in or after the calendar year nineteen hundred ninety-eight may, pursuant to local law, ordinance or resolution adopted by the governing board of a 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, that levies taxes or for which taxes are levied on an assessment roll, grant to every veteran who is entitled to any additional eligible funds a recompute exemption in lieu of the exemption otherwise authorized by this subdivision. Such recompute exemption may be granted on any change in level of assessment roll filed in or after calendar year nineteen hundred ninety-eight. A local law adopted pursuant to this paragraph shall not be subject to referendum.

6. (a) (i) Except as otherwise provided in subparagraph (ii) of this paragraph, no new exemption may be granted pursuant to subdivision one

or former subdivision five of this section on an assessment roll based upon a taxable status date occurring on or after March second, nineteen hundred eighty-six, except for purposes of taxes levied by or on behalf of a county, city, town or village that has enacted and has in effect a local law as provided in paragraph (a) of subdivision four of section four hundred fifty-eight-a of this title. Notwithstanding the foregoing, the owner of real property receiving an exemption pursuant to subdivision one or former subdivision five of this section prior to March second, nineteen hundred eighty-six may continue to receive the exemption on the property to which it is applicable.

(ii) In any city with a population of one million or more, no new exemption may be granted pursuant to subdivision one or former subdivision five of this section on an assessment roll based upon a taxable status date occurring on or after January sixth, nineteen hundred eighty-five, except for purposes of taxes levied by or on behalf of such city that has enacted and has in effect a local law as provided in subdivision four of section four hundred fifty-eight-a of this chapter. Notwithstanding the foregoing provisions of this subparagraph, the owner of real property receiving an exemption pursuant to subdivision one or former subdivision five of this section prior to January sixth, nineteen hundred eighty-five may continue to receive the exemption on the property to which it is applicable.

(iii) Except as provided in paragraph (b) of former subdivision five of this section, where such property is sold and moneys equalling or exceeding the amount of eligible funds used in the purchase of the parcel are received upon such sale, if such moneys are at any time thereafter used to purchase another parcel, an exemption may be granted as provided in subdivision one of this section provided the parcel is otherwise eligible for such exemption.

(iv) The provisions of former subdivision five of this section as referred to in this paragraph are the provisions originally enacted by chapter one hundred thirty-four of the laws of nineteen hundred seventy-nine and repealed by chapter four hundred ten of the laws of nineteen hundred ninety-four.

(b) In lieu of receiving an exemption pursuant to this section, the owner may apply for an exemption pursuant to section four hundred fifty-eight-a or four hundred fifty-eight-b of this title. If an

exemption is granted pursuant to section four hundred fifty-eight-a, the owner may not thereafter receive an exemption pursuant to this section, unless the owner sells the property receiving exemption and uses the proceeds of such sale to purchase property in a municipality that has adopted and has in effect a local law as provided in subdivision four of section four hundred fifty-eight-a of this title. In such event, the owner may again receive exemption pursuant to subdivision one of this section.

7. 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 subdivision one, two or three of this section, were such person or persons the owner or owners of such real property.

8. (a) For the purposes of this section, title to that 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 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-stockholder 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 apartment corporation may be exempt from taxation pursuant to this section by a municipality in which such real property is located only if the governing body of such municipality, after public hearing, adopts a local law, ordinance or resolution providing therefor.

9. Notwithstanding the provisions of subdivision one of this section, the governing body of any municipality may, after public hearing, adopt a local law, ordinance or resolution providing where a veteran, the spouse of the veteran or unremarried surviving spouse already receiving an exemption pursuant to this section sells the property receiving the exemption and purchases property within the same county or school district, or in the case of a city having a population of one million or more persons, within the same city, the assessor shall transfer and prorate, for the remainder of the fiscal year, the exemption which the veteran, the spouse of the veteran or unremarried surviving spouse received. The prorated exemption shall be based upon the date the veteran, the spouse of the veteran or unremarried surviving spouse obtains title to the new property and shall be calculated by multiplying the tax rate or rates for each municipal corporation which levied taxes, or for which taxes were levied, on the appropriate tax roll used for the fiscal year or years during which the transfer occurred times the previously granted exempt amount times the fraction of each fiscal year or years remaining subsequent to the transfer of title. Nothing in this section shall be construed to remove the requirement that any such veteran, the spouse of the veteran or unremarried surviving spouse transferring an exemption pursuant to this subdivision shall reapply for the exemption authorized pursuant to this section on or before the following taxable status date, in the event such veteran, the spouse of the veteran or unremarried surviving spouse wishes to receive the exemption in future fiscal years.

10. The commissioner shall develop in consultation with the director of the New York state division of veterans' services 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' services and the office of real property tax services.