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Department of Taxation and Finance
Office of Real Property Tax Services

RP-458-a-I
(8/24)

Instructions for Form RP-458-a

Application for Alternative Veterans

Exemption from Real Property Taxation

General information

New York State (NYS) 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 the property meets the requirements set forth in the law.

These instructions are intended to assist applicants in the completion of Form RP-458-a (also available on our website at www.tax.ny.gov), and to discuss issues concerning the Alternative Veterans' Exemption. Veterans should address their inquiries or any technical questions to their local office of the NYS Division of Veterans' Services (DVS) or their county veterans' service agency.

NYS 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. Active service members who have reenlisted after completing their initial tours of duty may generally be considered veterans for this purpose if they have been in service for at least 10 years. The alternative exemption is applicable to general municipal and school district taxes, but not to special ad valorem levies or special assessments.

Note: If a school district has adopted the alternative veterans exemption, but not the eligible funds exemption, a veteran who has been receiving the eligible funds veterans exemption may apply for the alternative veterans exemption solely to receive it for school purposes while continuing to receive the eligible funds exemption for county, city, town, and village (municipal) purposes.

This exemption is a local option exemption. Municipalities and school districts are not required to offer it. Check with your local assessor to determine if it is available in your jurisdiction.

A qualified residential parcel receives an exemption equal to 15% of its assessed value. If 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. If a veteran has received a service-connected disability rating from the United States Department of Veterans Affairs or the U.S. Department of Defense, there is an additional exemption 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 maximum exemptions generally available to municipalities are:

	Wartime	Combat Zone	Disability
Reduced maximums	6,000 9,000	4,000 6,000	20,000 30,000
Basic maximums	12,000	8,000	40,000
Increased maximums	15,000 18,000 21,000 24,000 27,000 30,000 33,000 36,000 39,000 42,000 45,000	10,000 12,000 14,000 16,000 18,000 20,000 22,000 24,000 26,000 28,000 30,000	50,000 60,000 70,000 80,000 90,000 100,000 110,000 120,000 130,000 140,000 150,000

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

Wartime	Combat Zone	Disability
39,000	26,000	130,000
42,000	28,000	140,000
45,000	30,000	150,000
48,000	32,000	160,000
51,000	34,000	170,000
54,000	36,000	180,000
57,000	38,000	190,000
60,000	40,000	200,000
63,000	42,000	210,000
66,000	44,000	220,000
69,000	46,000	230,000
72,000	48,000	240,000
75,000	50,000	250,000

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 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. Visit our website at www.tax.ny.gov (search: *vets*) to view the list of qualified counties.

Check with your assessor to determine the maximum exemption limits in your municipality.

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 (for example, New York City and Nassau County), class ratio (if the equalization rate or class ratio is 100 or less), for the assessing unit to arrive at the applicable maximums for each assessment roll. These rates and ratios normally change from year to year and this will affect the maximum exemption amounts.

Line instructions

Lines 1 and 2 – Enter the names, telephone numbers, mailing addresses, and email 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 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 the 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 match the description on the most recent assessment roll. Contact your local assessor for assistance in providing 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 the veteran or the surviving spouse who has not remarried. Active service members who have reenlisted after completing their initial tours of duty may generally be considered veterans for this purpose if they have been in service for at least 10 years. If there is no surviving spouse who has not remarried, the exemption may continue, if the title to the residence becomes vested in the dependent parent, or dependent child or children of the veteran if the child is under 21 years of age and the property is the primary residence of one or all the devisees. A veteran who has not remarried and is also the surviving spouse of a veteran may also receive any exemption that the deceased spouse was entitled to. 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 through 6b – Career members of the armed forces who have not been discharged or released from active military service under honorable conditions are eligible for the alternative veterans exemption if they:

- served in the active military services for the period of time they were obligated to serve at the time of entry into service;
- were not discharged or released from such service at the time they completed such period of obligation due to an intervening enlistment or reenlistment;
- would have been eligible for a discharge or release under conditions other than dishonorable after completing their period of obligation, yet were not discharged due to an intervening enlistment or reenlistment; **and**
- served in active military service for at least ten years and meet all other qualifications.

Veterans who meet these requirements must provide proof such as reenlistment documents or a written statement from their military chain of command verifying they fulfilled their entire contracted term of service and reenlisted, and that they have served for at least 10 years.

Veterans qualifying due to service during a defined period of war must have served on active duty in the U.S. Armed Forces during the Persian Gulf conflict (commencing August 2, 1990), the Vietnam War (November 1, 1955-May 7, 1975), Korean War (June 27, 1950-January 31, 1955), or World War II (December 7, 1941-December 31, 1946) and must have either (1) been honorably discharged or released from service or (2) received a letter from the NYS DVS stating that the veteran now meets the character of discharge criteria for all of the benefits and services listed in the Restoration of Honor Act. 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. Each municipality has the option to pass a local law, and each school district a resolution, to include as veterans those reservists who were active duty under Executive Order 11519 (Operation Graphic Hand) and who meet all other requirements. 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 evidence of the dates and character of service, attach a copy of DD Form 214, *Report of Transfer or Discharge*, or other appropriate evidence including the DVS letter, if one was received, to your application. A list of documents that are acceptable as evidence of veteran status is available on our website at www.tax.ny.gov (search: vets).

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 that 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. If 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 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, contact your local office of the New York State DVS 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 residence of the veteran, the veteran's surviving spouse who has not remarried, or the veteran's Gold Star Parent (if applicable), unless the person is absent from the property due to medical reasons or institutionalization.

Note: The assessor may ask for proof of residency.

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 – NYS Real Property Tax Law section 458 provides an exemption from real property taxation on property owned by veterans or other members of the eligible class that is purchased with the proceeds of a veteran's pension, bonus or insurance (or dividends or refunds on the insurance) or compensation paid to prisoners of war. These monies 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 and to school taxes, if the school district has adopted that local option, but not 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 \$7,500.

In some municipalities, however, property may be eligible for an exemption in excess of \$7,500. 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 prorated 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 that change occurs. For more information concerning the eligible funds exemption and Form RP-458, *Application for Veterans Exemption from Real Property Taxation*, contact your assessor.

If 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 the veteran's primary residence can keep that exemption or may apply for the alternative exemption by submitting a new application to the assessor.

If the veteran previously switched from eligible funds to the alternative exemption and moves to a municipality not granting the alternative exemptions, the veteran can again receive the eligible funds exemption. Similarly, if a municipality that 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. Form RP-458 is available at your local assessor, or visit our website at www.tax.ny.gov (search: *vetsforms*).

Where to file

Application for exemption must be made to the local assessors.

If the property is located in a village that 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 that assess is January 1; however, contact the village clerk to confirm. 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 NYS 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 prorated for the remainder of the fiscal year. To continue the exemption thereafter, a new application must be filed on or before the taxable status date.

Do not file the application with the New York State Department of Taxation and Finance or with ORPTS.
