**LOCAL LAW NO. ___ OF THE YEAR 2026**

**TOWN OF CAMBRIA**

**COUNTY OF NIAGARA, STATE OF NEW YORK**

**A Local Law of the Town of Cambria, New York, for the year 2026, In Relation to a Disabled Veteran's Exemption from Real Property Taxation Under Section 458-a(11) of the Real Property Tax Law (RPTL) of the State of New York**

**Be it enacted by the Town Board of the Town of Cambria as follows:**

**Section 1. Title.**
This local law shall be known as the "Town of Cambria Local Law Providing a Full Exemption for the Primary Residence of Seriously Disabled Veterans Pursuant to RPTL § 458-a(11)."

**Section 2. Legislative Findings, Purpose, and Authority.**
The Town Board finds that veterans who are permanently and totally disabled as a result of military service have made extraordinary sacrifices in service to the Nation, and that providing a full real property tax exemption for their primary residences promotes their ability to remain in their homes and communities. The Town Board further finds that the State of New York has authorized local governments to adopt such an exemption under Real Property Tax Law (RPTL) § 458-a(11).

Pursuant to the authority granted in RPTL § 458-a(11), the purpose of this local law is to provide that the primary residence of any seriously disabled veteran shall be fully exempt from taxation and special district charges, assessments and special ad valorem levies, provided that such veteran meets all requirements of RPTL § 458-a, including the eligibility criteria set forth in subdivision eleven. Pursuant to the authority granted in Section 458-a(11) of the Real Property Tax Law, the purpose of this Local Law is to provide that the primary residence of any seriously disabled veteran shall be fully exempt from taxation and special district charges, assessments and special ad valorem levies, provided that such veteran meets certain requirements. RPTL § 458-a(11) authorizes a county, city, town, village or school district to adopt a local law or resolution providing a full exemption for the primary residence of any seriously disabled veteran, subject to the eligibility criteria in that subdivision and other requirements of § 458-a.

**Section 3. Definitions; Incorporation by Reference.**
A. Incorporation by Reference. For purposes of this local law, all terms defined in RPTL § 458-a(1), as amended from time to time, including but not limited to "qualified owner," "qualifying residential real property," "veteran," "period of war," "service connected," "latest state equalization rate," and "latest class ratio," are incorporated herein by reference and shall have the

meanings set forth in RPTL § 458-a(1). RPTL § 458-a(1) defines “qualified owner,” “qualifying residential real property,” “veteran,” “period of war,” “service connected,” “latest state equalization rate,” and “latest class ratio.”

B. Primary Residence; Qualifying Residential Real Property. For purposes of the exemption provided herein, “primary residence” and “qualifying residential real property” shall have the meanings set forth in RPTL § 458-a(1)(d), including provisions governing mixed-use property and the primary residence requirement with medical or institutional absence. RPTL § 458-a(1)(d) defines “qualifying residential real property” as property owned by a qualified owner, used exclusively for residential purposes, and as the primary residence, subject to specified conditions.

C. Seriously Disabled Veteran. For purposes of this local law, “seriously disabled veteran” means a veteran who is considered by the United States Department of Veterans Affairs to be permanently and totally disabled as a result of military service, as evidenced by a letter, official form, or other document issued by the U.S. Department of Veterans Affairs specifically stating that the veteran is permanently and totally disabled as a result of such service. Eligibility under subdivision eleven requires that the veteran be considered by the United States Department of Veterans Affairs to be permanently and totally disabled as a result of military service, evidenced by a letter, official form, or other document so stating.

**Section 4. Eligibility.**
A. General. The exemption authorized by this local law shall be available only to a veteran who meets all eligibility requirements of RPTL § 458-a, including ownership and residency requirements for qualifying residential real property. The exemption under § 458-a applies to “qualifying residential real property” owned by a qualified owner and used as the primary residence, as provided in subdivision one.

B. Veteran Status. To be eligible, a veteran shall meet at least one of the following criteria:

1. The veteran was discharged or released from active military, naval, space, or air service, including Army and Air National Guard service performed pursuant to federal orders under Title 10 of the United States Code, under honorable conditions; or

2. The veteran has a qualifying condition, as defined in section one of the Veterans’ Services Law, and received a discharge other than bad conduct or dishonorable; or

3. The veteran is a discharged LGBT veteran, as defined in section one of the Veterans’ Services Law, and received a discharge other than bad conduct or dishonorable. RPTL § 458-a(11)(a) sets forth these alternative discharge eligibility criteria for the full exemption.

C. Disability Status. The veteran must also be considered by the United States Department of Veterans Affairs to be permanently and totally disabled as a result of military service, as evidenced by a VA letter, official form, or other document specifically stating such status. RPTL § 458-a(11)(b) requires VA determination of permanent and total disability as a result of military service, evidenced by specified VA documentation.

D. Trusts and Cooperative Apartments.

1. Property held in trust solely for the benefit of a person or persons who would otherwise be eligible shall be eligible in accordance with RPTL § 458-a(5). RPTL § 458-a(5) provides that property held in trust solely for the benefit of a person who would otherwise be eligible shall be treated as eligible.

2. Cooperative apartments shall be eligible in accordance with RPTL § 458-a(6), subject to all statutory conditions and limitations. RPTL § 458-a(6) addresses eligibility and administration for cooperative apartment corporations and tenant-stockholders.

**Section 5. Scope of Exemption; Coordination With Other Exemptions; Non-Reduction Below Zero.**

A. Scope. The primary residence of any seriously disabled veteran shall be fully exempt from Town taxation and from special district charges, assessments, and special ad valorem levies levied by or on behalf of the Town or any Town special district, subject to the requirements of RPTL § 458-a. RPTL § 458-a(11) authorizes a full exemption for the primary residence of any seriously disabled veteran from taxation and special district charges, assessments and special ad valorem levies.

B. In Addition to Other Exemptions; Savings Clause. This exemption is in addition to any other exemption from taxation on real property allowed to veterans under the Real Property Tax Law, including the exemption provided by RPTL § 458(3), and nothing herein shall be construed to require or authorize the discontinuance of any exemption granted pursuant to RPTL § 458(3). Subdivision eleven provides that the exemption is "[i]n addition to any other exemption" including RPTL § 458(3), and shall not require or authorize discontinuance of any exemption granted pursuant to RPTL § 458(3).

C. Non-Reduction Below Zero. In no case shall the taxable assessed value of the property of a qualifying veteran be reduced below zero. RPTL § 458-a(11)(c) provides that the taxable assessed value shall not be reduced below zero.

**Section 6. Application; Administration; Continuation; Changes in Eligibility.**

A. Form; Filing; Taxable Status Date. Application for the exemption shall be made by the owner or all owners on a form prescribed by the Commissioner of Taxation and Finance and filed with the Town Assessor on or before the applicable taxable status date for the assessment roll to which the exemption is to be applied. RPTL § 458-a(3) requires application by the owner(s) on a form prescribed by the commissioner, filed with the assessor on or before the appropriate taxable status date.

B. Documentation. Applicants shall submit documentation sufficient to establish eligibility, including but not limited to acceptable military records listed by the Commissioner in consultation with the Department of Veterans' Services, and a letter, official form, or other document issued by the U.S. Department of Veterans Affairs stating that the veteran is permanently and totally disabled as a result of military service. RPTL § 458-a(11)(b) requires VA documentation evidencing permanent and total disability as a result of service. RPTL § 458-a(9) directs the Commissioner, in consultation with the Department of Veterans' Services, to develop a listing of documents to establish eligibility, including but not limited to the DD-214 and related records, and to make such listing available to assessors.

C. Continuation; Refiling. Once granted, the exemption shall continue in full force and effect for all appropriate subsequent tax years, and the owner or owners shall not be required to refile annually; provided, however, that applicants shall be required to refile on or before the appropriate taxable status date if the percentage of disability increases or decreases, or may refile if other changes occur which affect qualification for an increased or decreased amount of exemption or continued eligibility. RPTL § 458-a(3) provides that the exemption continues without annual refiling, but applicants shall refile if the disability percentage changes or may refile if other qualifying changes occur.

D. Changes in Primary Residence, Ownership, or Eligibility. The property owner shall notify the Assessor in writing of any change in primary residency, ownership, disability status, or other factor material to eligibility as soon as practicable and, in any event, on or before the next taxable status date.

E. Penalties. Any applicant convicted of making a willful false statement in the application shall be subject to the penalties prescribed in the Penal Law. RPTL § 458-a(3) states that any applicant convicted of making a willful false statement in the application is subject to Penal Law penalties.

F. Transfer Within County. If, and only if, the Town Board hereafter adopts a local law pursuant to RPTL § 458-a(8), any exemption already received by a qualified owner may be transferred and prorated in accordance with that subdivision, provided the owner files a new application by the following taxable status date for future years. Nothing in this local law shall be construed to supersede or limit such authority. RPTL § 458-a(8) authorizes a local law providing for transfer and proration of an exemption within the same county and requires reapplication by the following taxable status date for future years.

G. Cooperative Apartments. Administration of exemptions for cooperative apartments shall be in accordance with RPTL § 458-a(6), including the method of crediting the exemption to tenant-stockholders and any statutory exclusions. RPTL § 458-a(6)(b)-(d) provides the method for applying and crediting exemptions to cooperative apartments and sets specified limitations.

**Section 7. Conflict With Other Laws; State Law Controls.**
In the event of any conflict or inconsistency between the provisions of this local law and the provisions of RPTL § 458-a or other applicable provisions of State law, the provisions of State law shall control and be applied. Nothing herein shall be construed to limit or reduce any rights or benefits available under RPTL § 458-a.

**Section 8. Administrative Notice to the Department of Veterans' Services.**
Within thirty (30) days of adoption of this local law, the Town Clerk shall notify the New York State Department of Veterans' Services of such adoption, and the Department shall compile and maintain a publicly available record thereof; provided, however, that failure to provide such notice within thirty (30) days shall not render this local law ineffective. RPTL § 458-a(11)(d) requires each adopting municipality to notify the Department of Veterans' Services within thirty days of adoption and provides that failure to notify shall not render the local law ineffective; the Department must maintain a publicly available record.

**Section 9. Severability.**
If any clause, sentence, paragraph, subdivision, section, or part of this local law or the application thereof to any person, firm, corporation, or circumstance shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part thereof directly involved in the controversy in which such order or judgment shall have been rendered.

**Section 10. Effective Date; Applicability.**
This local law shall take effect immediately upon filing with the Secretary of State in accordance with the Municipal Home Rule Law. It shall first apply to the assessment roll prepared on the basis of the first taxable status date occurring on or after October 1, 2026, for the Town of Cambria, and to all subsequent assessment rolls thereafter. If the Town's taxable status date is other than October 1, 2026, this local law shall apply beginning with the first assessment roll for which the taxable status date occurs on or after October 1, 2026, and timely filed applications shall be processed for that roll in accordance with RPTL § 458-a(3). The base text provides that the local law takes effect upon filing and applies to assessment rolls based on taxable status dates occurring on and after

October 1, 2026. Under RPTL § 458-a(3), applications must be filed with the assessor on or before the appropriate taxable status date for the assessment roll to which the exemption applies.

**Section 11. Filing.**

The Town Clerk is authorized and directed to file a certified copy of this local law with the Secretary of State as required by law and to take such other and further actions as may be necessary to implement this local law, including providing public information concerning application procedures consistent with RPTL § 458-a.