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Alert

New Laws Benefit New York State Veterans and Active Duty Military

In November 2019, Governor Cuomo signed several bills into law that benefit veterans and active duty military in the areas of eligibility for benefits, real property tax exemption, education, employment, and others.

Chapter 481 of the Laws of 2019 directs the New York State Division of Veterans' Services (DVS) to maintain a Discharge Upgrade Advisory Board Program to assist veterans resident in New York State in appealing the character of a less-than-honorable discharge from the United States Armed Forces or correcting federal military discharge records. The Program will provide eligible veterans with written non-binding advisory opinions from DVS to submit to the branch of service to advocate for correction. The new laws also encourage local veterans' service agencies to assist veterans with applying for these advisory opinions.

Chapter 490 amends various State laws to expand eligibility for State benefits to certain veterans who have received "less than honorable discharges" (also known as bad papers), other than bad conduct or dishonorable discharges. The phrase "under honorable conditions" or "has been honorably discharged" now includes (1) veterans with a qualifying condition, such as Post-Traumatic Stress Disorder (PTSD), Military Sexual Trauma (MST), or Traumatic Brain Injury (TBI), who have received a discharge other than bad conduct or dishonorable from service, and (2) veterans who are discharged LGBT veterans, who have received a discharge other than bad conduct or dishonorable.

Chapter 479 amends the Real Property Tax Law to give local tax jurisdictions the option to extend certain real property tax exemption to members of the U.S. Armed Forces, who have a service-connected disability due to combat and have been found fit to serve by such member's branch of service. Local tax jurisdictions may extend to such currently serving military members a partial real property tax exemption for that the portion of such taxes allocable to increases in assessment to a veteran's primary residence arising from improvements necessitated by military service-connected disabilities.

Further, Section 55-c of the New York State Civil Service Law was amended to require State agencies to get the word out about job openings set aside for qualified wartime veterans with disabilities. State agencies must now prominently identify on a job posting if a job is "55-c Eligible."

Chapter 488 requires DVS to enhance webpage access by mobile applications used to search for veterans' services.

In addition, the new legislation amends the Veterans Health Care Information Program offered by the State Department of Health to add children of veterans to the list of persons to whom health care information must be provided. The law also explicitly added spina bifida and PTSD, TBI, and other brain-related injuries to the list of health matters about which information is to be provided.

Other bills signed into law by the Governor direct the Education Department to develop a program for certain veterans to receive high school diplomas based on knowledge and experience gained while in military service, require a report on the number of homeless veterans living in New York State, clarify and update the duties of the DVS Women Veterans Coordinator, authorize various counties to waive certain fees for veterans' organizations, amend the age requirements applicable to appointments or promotions of New York City public employees who have been absent on military duty, and make provisions for active duty military members to vote by absentee ballot in school district elections.

If you have questions regarding the new laws, please contact Jean S. Everett or Maria C. Zumpano.



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