



The New York State Office of the Attorney General
Eric T. Schneiderman

Veterans & Service Members

Resource Guide



NYS Office of the Attorney General

Dear Friend,

The debt that our nation owes to military service members, veterans, and their families, can never truly be repaid.



As a small token of our gratitude as a nation, our laws provide a number of legal, educational and other rights and benefits to those who have served in our armed forces. My office is proud to offer this resource guide to help you navigate some of the most important rights and benefits that are available under both state and federal law. This guide also contains a list of resources on the web where you can obtain additional information and assistance.

As Attorney General, I am committed to working with the veterans of New York State to guarantee that every right and benefit available to you and your dependents or survivors is preserved.

Thank you for your service.

Sincerely,

A handwritten signature in black ink, reading "Eric Schneiderman".

Eric T. Schneiderman

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Educational Benefits and Opportunities

The original GI Bill, the Servicemen's Readjustment Act of 1944,¹ was signed into law on June 22, 1944. This law made the Veterans Administration (VA) responsible for providing education and training benefits, loan guarantees, and unemployment pay to eligible veterans. In 1984, former Congressman Gillespie V. "Sonny" Montgomery updated the GI Bill, which became known as the "Montgomery GI Bill," or MGIB. The GI Bill was updated again in 2008 by the Post-9/11 GI Bill, which provides veterans with greater educational benefits and the ability to transfer these benefits to spouses or children.²

Veterans may choose to receive benefits under either the Montgomery GI Bill or the Post-9/11 GI Bill. However, some veterans may not be eligible for the Post-9/11 GI Bill based on the time period when they served. Other factors to consider when deciding between the MGIB and Post-9/11 GI Bill are the type of educational training one plans to pursue, whether eligible veterans wish to transfer benefits to a dependent, and the time limit to use benefits under each program.³

The Post-9/11 GI-Bill*

Following the terrorist attacks of September 11, 2001, our men and women in uniform have once again been asked to make extraordinary sacrifices to protect and defend our country. And, as in eras past, they have answered that call with a sense of bravery, professionalism and honor that is an inspiration to all Americans. To support and assist veterans of the post-9/11 era as they make the difficult transition from military to civilian life, the federal government authorized the Post-9/11 GI-Bill, which provides financial assistance to pay for tuition, fees, books and housing for veterans pursuing higher education. Details regarding eligibility and benefits are below.

- **Eligible Individuals**

- Individuals with at least 90 days of aggregate service on or after September 11, 2001, or individuals discharged with a service-connected disability after 30 days.
- Service Members must have received an honorable discharge.

¹ Public Law 346

² Source: <http://www.gibill.va.gov/post-911/history-timeline/>

³ See: http://www.gibill.va.gov/documents/Benefit_comparison_charts.pdf

⁴ 38 USCA § 3301; effective August 1, 2009.

- Certain National Guard members mobilized on Title 32 orders⁵ on or after September 11, 2001.
- **Benefits**
 - Provides up to 36 months of financial support for education and housing.
 - Covers all public school in-state tuition and fees.
 - Covers \$17,500 annually for private or foreign schools.
 - Reimbursement for fees paid to take national examinations used for admission to an institution of higher learning (e.g. SAT, LSAT, ACT, GMAT, etc).
 - Annual books and supplies stipend of \$1,000.
 - Monthly housing allowance for an E-5 with dependents, payable to students even if they are enrolled solely in distance learning.
 - Financial support for non-college degree programs, on-the-job training, flight programs, and correspondence training.
 - Certain service members are eligible to transfer their GI-Bill benefits to their dependents.
- **Requirements**
 - All training programs must be offered by an approved institution of higher learning.
 - These benefits are generally payable for 15 years following an individual's release from active duty.

⁵ See 32 USCA § 102, which states: "Whenever Congress determines that more units and organizations are needed for the national security than are in the regular components of the ground and air forces, the Army National Guard of the United States and the Air National Guard of the United States, or such parts of them as are needed, together with such units of other reserve components as are necessary for a balanced force, shall be ordered to active Federal duty and retained as long as so needed."

The Montgomery GI-Bill

Veterans who are not eligible for the Post-9/11 GI-Bill due to the time period when they served may be eligible for the Montgomery GI-Bill, which provides financial assistance for veterans pursuing higher education. Benefits and eligibility requirements differ for active duty Service Members and reservists. Details regarding eligibility and benefits for each are below.

Active Duty⁶⁷

- **Eligible Individuals**

- Active Duty members enroll and pay \$100 per month for 12 months. Once they complete a minimum service obligation, they are eligible for a monthly education benefit.

- **Requirements**

- Fully honorable discharge.
- Must have completed high school, obtained an equivalency certificate, or have completed 12 hours toward a college degree before you apply for benefits.
- Individual must fall within one of four categories of eligible service members.

- **Benefits**

- Up to 36 months of financial education benefits.
- May be used for degree and certificate programs, flight training, apprenticeships, on-the-job training programs, correspondence courses, and possibly deficiency and refresher courses.
- Generally, benefits are payable for 10 years following an individual's release from active duty.

⁶ 38 U.S.C.A. § 3001; remains in effect.

⁷ "Chapter 30" of United States Code Title 38 outlines the educational benefits available to veterans. See: <http://frwebgate.access.gpo.gov/cgi-bin/usc.cgi?ACTION=BROWSE&TITLE=38USCPHII>.

Selected Reserve⁸

- **Eligible Individuals**

- A reservist who is actively drilling⁹ and has a 6-year obligation in the Selected Reserve. Eligible only while in the Selective Reserve.

- **Requirements**

- Have a six-year obligation to serve in the Selected Reserve signed after June 30, 1985. Officers must agree to serve six years beyond their original obligation and a six-year commitment beginning after September 30, 1990 is required under certain circumstances.
- Initial active duty for training (IADT) must be completed.
- High school diploma or equivalency certificate must be obtained before completing IADT.
- Reservist must remain in good standing.

- **Benefits**

- Up to 36 months of financial education benefits.
- May be used for degree and certificate programs, flight training, apprenticeships, on-the-job training programs, correspondence courses, and possibly deficiency and refresher courses.

⁸" Chapter 1606" of United States Code Title 10 outlines educational benefits for members of the selected reserve. See: <http://uscode.house.gov/download/pls/10C1606.txt>

⁹ See <http://www.gibill.va.gov/post-911/montgomery-gi-bill/> **and** <http://www.gibill.va.gov/post-911/montgomery-gi-bill/selected-reserve.html>.

The individual must remain in good standing while serving in an active Selected Reserve unit. Eligibility may be extended if the individual is ordered to active duty or discharged due to disability.

New York State Veterans Tuition Awards ("VTA")¹⁰

In addition to the educational benefits provided to veterans by the federal government, New York State also provides New York State Veterans Tuition Awards (VTA) to assist those who have served our country. VTA are financial awards to provide eligible veterans with the cost of full-time or part-time study at an undergraduate or graduate degree-granting institution in New York, or at an approved vocational training program in New York. The awards are administered by the New York State Higher Education Services Corporation. Details about eligibility and benefits are below.

Eligible Individuals

New York State Service Members discharged under honorable conditions from the U.S. Armed forces and who are in one of the following groups:

- Vietnam Veterans who served in Indochina between December 22, 1961 and May 7, 1975
- Persian Gulf Veterans who served in the Persian Gulf on or after August 2, 1990
- Afghanistan Veterans who served in Afghanistan during hostilities on or after September 11, 2001
- Veterans of the armed forces of the United States who served in hostilities that occurred after February 28, 1961 as evidenced by receipt of an Armed Forces Expeditionary Medal, Navy Expeditionary Medal or a Marine Corps Expeditionary Medal.

Requirements

- The student must be a New York State resident and a U.S. citizen, or eligible non-citizen.
- The student must be matriculated full or part-time at an undergraduate or graduate degree-granting institution in New York State or in an approved vocational training program in New York State.
- The student must have graduated from high school in the United States, earned a GED, or passed a federally approved test.

¹⁰ Source: New York State Higher Education Services Corporation: <http://www.hesc.com>

- The student must not be in default on a student loan made under a New York State or federal loan program, or on a student loan guaranteed by HESC.
- To qualify as studying full time, a student must be enrolled for 12 or more credits per semester at a degree-granting institution, or 24 or more hours per week in a vocational training program.
- To qualify as studying part time, a student must be enrolled for at least three but fewer than 12 credits per semester at a degree-granting institution, or six to 23 hours per week in a vocational training program.

Benefits

- For full-time study, students receive an award of up to the full cost of undergraduate tuition for New York state residents at the State University of New York, or actual tuition charged, whichever is less.
- For part-time study, awards will be prorated by credit hour.

Important Considerations:

- The combined tuition benefits available to a student cannot exceed the student's total tuition costs. Tuition payments received under the Post-9/11 GI Bill is considered duplicative of any VTA. Payments received under the Montgomery GI bill are not duplicative of the purpose of the VTA.
- However, certain students may be eligible to receive both the Federal and State benefits, such as students who attend high-tuition schools.

Civil Protections for Service Members (50 U.S.C. App. §§ 501-597b)¹¹

Active duty members of the military are trained and equipped to overcome numerous challenges in the course of carrying out their mission. But when it comes to the challenges that they and their families face in their private lives, they are also equipped with laws to protect their legal rights, and their financial well-being. Among the most important is the Service Members' Civil Relief Act (SCRA), which provides rights and protections to active duty and recently separated members of the military and their families in matters related to debt, foreclosure, insurance, leases, and other contracts. You can learn more about the SCRA below.

- **Mortgage Interest Rates & Credit Card Interest Rates**

- Interest rate on mortgage payments and credit card obligations may be capped at 6% (if service materially affects the member's ability to pay). (Section 527(a)).
 - Applies during the period of military service.
 - In the case of a mortgage, the cap continues for one year after the service member's return.
 - Any interest above 6% is forgiven during this period, not simply deferred.
 - The 6% cap may be placed on any loan obligation incurred prior to active duty.

- **Foreclosure Protection**

- Prior to December 31, 2012, mortgage lenders may not foreclose, or seize property for a failure to pay a mortgage debt, while a service member is **on active duty or for 9 months** after active service, unless they have the approval of a court. (This grace period is reduced to 90 days after December 31, 2012). The service member must have originated the mortgage prior to beginning military service. (Section 533(c)).

- **Life Insurance**

¹¹ The SCRA applies to: 1) members of the Army, Navy, Air Force, Marine Corps, and Coast Guard on active duty or absent from duty due to sickness, wounds, leave or other lawful cause; 2) members of the National Guard with certain activation orders; and 3) active service commissioned officers of the Public Health Service of the National Oceanic and Atmospheric Administration.

- A service member may have the Department of Veteran Affairs guarantee payment of premiums on certain types of commercial life insurance policies for the period of military service and for two years thereafter. (Sections 541-549).
- If a service member's life insurance policy is assigned before military service to secure the payment of an obligation, the assignee of the policy (except the insurer in connection with a policy loan), during the service member's period of service and within one year thereafter, needs to obtain a court order before it exercises any right or option obtained under the assignment. This provision does not apply if the assignee has the insured's written consent made during the period of military service or one year thereafter, or when the premiums on the policy are due and unpaid, or upon the death of the insured.
- **Health Insurance**
 - Service Members are entitled to have their civilian health insurance reinstated when they return to civilian life following periods of active duty.
 - Reinstatement is to be without a waiting period or exclusion if: 1) the condition arose before or during service; 2) no exclusion or waiting period would have applied during the period of coverage; and 3) with respect to a service member, the condition is not considered by the Secretary of Veterans Affairs to be a disability incurred or aggravated in the line of duty.
 - Application for reinstatement must be filed no later than 120 days after the date that service ends.
 - Premiums generally cannot be increased for the balance of the period for which coverage would have been continued to an amount greater than the amount chargeable for such coverage before the termination.
- **Professional Liability Insurance Protection**
 - Available to certain persons ordered to active duty who were engaged in health care, legal or other professional services. It allows these Service Members to suspend a professional liability insurance policy and subsequently reinstate such coverage upon proper notice to the carrier. This provision also limits the amount of premium increases permissible after reinstatement, and provides for the stay of certain civil or administrative actions during the period of suspension.
- **Residential Leases / Rental Agreement**
 - Right to terminate a lease upon written notice to landlord:
 - After executing a lease, a person who enters military service or a service member who receives a permanent change of station order or who is deployed to a new location for 90 days or more has the right to terminate a lease for residential, professional, business, agricultural or similar purpose upon written notice to the landlord. Termination is effective 30 days after

the next rental payment is due (if lease provides for monthly payment of rent) or the last day of the month following the month in which notice is given. (Section 535).

- Protections Against Eviction

- A landlord may not evict a service member or service member's family for nonpayment of rent from home occupied as primary residence where the rent does not exceed a certain amount adjusted annually, except by court order. (Section 531).

- **Other Contracts**

- **Automobile Leases** may be terminated when a service member receives permanent change of station orders or is deployed to a new location for 180 days or more. This provision applies if the lease is executed by or on behalf of a person who thereafter is called to enter service, or who executes the lease while in military service and thereafter is subject to a permanent change of station from a location in the continental United States to a location outside the continental United States, or from a location in a State outside the continental United States to any location outside that State, or is deployed for a period of not less than 180 days.
- **Telephone Contracts**, including cellular telephone service, may be terminated via written or electronic notice when a service member is ordered to relocate for 90 days or more to a location that does not support the contract (i.e. service is not provided in location).
- **Installment Contracts, generally**
 - A contract by a service member for the purchase of real or personal property, including a car, or the lease or bailment of such property may not be rescinded or terminated for breach of contract occurring before or during military service, and such property may not be repossessed without a court order.

- **Contract Penalties**

- If a service member fails to perform an obligation arising under a contract and a penalty is incurred arising from that nonperformance, a court may reduce or waive the fine or penalty if (1) the service member was in military service at the time the fine or penalty was incurred; and (2) the ability of the service member to perform the obligation was materially affected by such military service.

- **Storage Liens**

- Without a court order, a person holding a lien on the property or effects of a service member may not, during any period of military service and for 90 days thereafter, foreclose or enforce any lien on such property.
- **Impact of Exercising Rights on Certain Future Financial Transactions**
 - Application pursuant to this statute for stay, postponement or suspension of tax, fine, penalty, insurance premium or other civil obligation alone shall not provide basis for: determination that person is unable to pay; denial or revocation of credit, change of terms of existing credit arrangement, refusal by creditor to grant credit in substantially same amount/terms; adverse credit report; change in insurance terms.
- **Selected Additional Rights and Protections provided by SCRA**
 - **Civil Judicial Proceedings**
 - Ability to Stay Civil Proceedings, Execution of Judgments, Attachments and Garnishments.
 - Service members have the right to stay of any action or civil proceeding, including foreclosure action and actions to collect a debt for at least 90 days if they cannot appear.
 - The court has discretion to grant additional stays upon further application. When an action for compliance with a contract is stayed under the SCRA, contractual penalties do not accrue during the period of the stay.
 - The court may also stay execution of any judgment or order entered against the service member, and vacate or stay an attachment or garnishment of property, money or debts.
 - **Protection Against Default Judgments**
 - If a defendant is in default for failure to appear in the action filed by the plaintiff, the plaintiff must file an affidavit with the court before a default judgment may be entered. The affidavit must state whether the defendant is in the military, or that the plaintiff was unable to determine whether the defendant is in the military.
 - **Statutes of Limitations**
 - Generally, in an action or proceeding by or against a service member or his or her heirs, executors, administrators or assigns, a period of military service may not be included in computing statutes of limitations and similar provisions.
 - **Taxes**

- **Income Tax**
 - Income tax shall be deferred for a period not more than 180 days after termination of or release from military service, if ability to pay is materially affected by military service.
- **Anticipatory Relief**
 - A service member may, during military service or within 180 days thereafter, apply to the court for relief from an obligation or liability incurred before service or tax assessment or liability falling due before or during service.
- **Extension of Protection to Dependents**
 - Upon application to a court, a service member's dependent is entitled to the protections of the SCRA if the dependent's ability to comply with a lease, contract, bailment or other obligation is materially affected by reason of the service member's military service.

New York State Soldiers' and Sailors' Civil Relief Act (NY Military Law §§ 300-328)

In addition to the federal Service Members Civil Relief Act, New York State law also provides rights and protections for current and recently separated military service members and their families in matters related to debt, foreclosure, insurance, leases, and other contracts under the New York State Soldiers' and Sailors' Civil Relief Act. Please read below to learn more.

- **Mortgage Interest Rates & Credit Card Interest Rates**

- During active military service, interest on obligation or liability incurred before service capped at 6 percent (unless ability to pay is not materially affected by service).

- **Foreclosure Protection**

- With respect to property owned prior to commencement of military service, court may stay proceedings to enforce obligations for non-payment of mortgage or other breach of terms.
- No sale, foreclosure, or seizure of property for non-payment of mortgage or other breach of terms shall be valid during period of military service or six months after, unless upon court order.

- **Life Insurance**

- No life insurance policy of a member of a reserve component of the armed forces who is called to active duty, or policy which has been brought within the benefits of the federal SCRA, shall lapse or be forfeited for nonpayment of premium during period of service, or during two years after the expiration of that period;
- If a service member's life insurance policy is assigned before military service to secure the payment of an obligation, the assignee of the policy (except the insurer in connection with a policy loan), during the service member's period of service and within one year thereafter, needs to obtain a court order before it exercises any right or option obtained under the assignment. This provision does not apply if the assignee has the insured's written consent made during such period, or when the premiums on the policy are due and unpaid, or upon the death of the insured.

- **Accident/Health Insurance**

- No individual accident and health insurance policy which insures a member of the organized militia of the state shall lapse or be forfeited for non-payment during period of 60 days from date that member begins active duty if the insurer is provided with written notice within 30 days after duty begins.

- **Professional Liability Insurance**
 - Available to certain persons ordered to active duty who were engaged in health care or other professional services. Allows these Service Members to suspend a professional liability insurance policy and subsequently reinstate such coverage upon proper notice to the carrier. This provision also limits the amount of premium increases permissible after reinstatement, and provides for the stay of certain civil or administrative actions during the period of suspension.
- **Residential and Certain Other Leases / Rental Agreement**
 - After military service begins, allows for termination of a lease upon proper notice, effective 30 days after next rental payment due or last day of the following month (depending on the type of lease).
 - No eviction during period of military service except upon leave of court.
- **Other Contracts**
 - **Automobile Leases:** After military service begins, lease can be terminated upon notice and effective 30 days after first date on which next lease payment is due and payable after notice is delivered, or the vehicle is returned to the lessor, whichever is later.
 - **Installment Contracts, generally:** After military service begins, contractors cannot exercise the right or option to rescind or terminate a contract or resume possession of property for nonpayment of any installment or for breach of the terms occurring prior to or during military service, except through court action.
 - **Other rental contracts:** After military service begins, Service Members are entitled to, upon meeting certain notice requirements, cancel contracts at no penalty and with full refund of any moneys placed on deposit.
- **Contract Penalties**
 - When action for contract compliance stayed, no fine or penalty shall accrue for failure to comply with contract during period of stay.
- **Storage Liens**
 - No person shall exercise any right to foreclose or enforce any lien for storage of household goods, furniture, or personal effects of a person in military service during such person's period of military service and for three months thereafter except upon court order.
- **Impact of Exercising Rights on Certain Future Financial Transactions**

- Application pursuant to this statute for stay, postponement or suspension of tax, fine, penalty, insurance premium or other civil obligation or liability alone shall not provide basis for: determination that the person is unable to pay, denial or revocation of credit, change of terms of existing credit arrangement, refusal by creditor to grant credit in substantially same amount/terms, adverse credit report, or refusal to insure.
- **Selected Additional Rights and Protections provided by SCRA**
 - **Stay of Court Actions and Adjudicatory and Licensing Proceedings.**
 - Adjudicatory and licensing proceedings before state agencies stayed during period of service or 60 days thereafter, unless ability of party to represent interest is not materially affected by reason of military service.
 - In court action or adjudicatory or licensing proceeding before or during period of service or 60 days thereafter, court may stay execution or judgment and vacate or stay order of attachment or garnishment.
 - A stay can be ordered for period of military service and three months thereafter.
 - **Court Appointed Attorney**
 - In actions or proceedings in which a service member is a party and does not appear or is not represented by an attorney, the court may appoint an attorney to represent the service member.
 - **Protection Against Default Judgments**
 - Within 90 days of termination of service, judgment rendered while person is in military service or 30 days thereafter may be reopened if it appears that the person was prejudiced by reason of military service.
 - **Other Relief from Obligations**
 - A person may at any time during a period of military service or 6 months thereafter apply to the court for relief from any obligation or liability incurred prior to military service or with respect to a tax or assessment falling due prior to or during military service.
 - **Statutes of Limitations**
 - Generally, in an action or proceeding by or against a service member or his or her heirs, executors, administrators or assigns, a period of military service may not be included in computing statutes of limitations and similar provisions.
 - **Filing Fees**

- For certain civil actions or proceedings based on this statute or certain other statutes, all court costs or filing fees for commencement of the civil action or proceeding shall be waived.
- **Taxes**
 - **Real Property Taxes**
 - Regarding property owned by a service member and occupied by his dependents or employees, no sale of property to enforce collection of taxes or assessment, or proceeding for such purpose, shall be commenced without a court order.
 - **Income Tax**
 - Income tax collection shall be deferred for not more than six months after termination of military service, if the service member's ability to pay is impaired by reason of such service.
- **Professional Licenses, Certifications and Registrations**
 - Service Members shall not be required to complete continuing education requirements during the period of military service.
 - Professional licenses, certifications or registrations that expire during period of active duty shall be automatically extended for the period of active duty and for 12 months thereafter.
- **Re-employment in Private Industry**
 - A service member who was employed in private industry and makes an application for re-employment within 90 days after being relieved from service shall be restored to such position or a similar position unless the employer's circumstances have changed to make it impossible or unreasonable to do so.
- **Extension of Benefits to Dependents and Other Individuals**
 - Upon application to the court, service members' dependents shall be entitled to the same benefits as the service member, unless ability to comply with obligations, contract, lease or bailment is not materially impaired by reason of the military service.
 - Sureties, guarantors and endorsers benefit from any stay, postponement, or suspension or vacation of judgment under this statute.

Miscellaneous Rights and Protections for Service Members and Veterans

In addition to educational benefits and civil relief rights and benefits, there are numerous other benefits available to veterans, their family members and survivors under both federal and state law. Please read below to learn more.

Federal¹²

- **Service-Connected Disability Benefits**
 - **Various Disability Compensation Benefits**
 - The U.S. Department of Veterans Affairs ("VA") Disability Compensation, a tax-free benefit, varies depending on severity of the disability.
 - VA may pay additional compensation to veterans who have very severe disabilities or loss of limbs, have a spouse, child or dependent parent, or have a seriously disabled spouse.
 - **Vocational Rehabilitation Benefits:** Eligible veterans with service-connected disabilities may receive certain services for up to 48 months, such as counseling, educational training, and financial aid, in order to become employed or to maintain employment. Training costs reimbursed by VA may include tuition and fees, books and supplies, and a housing allowance.
 - **Automobile and Special Adaptive Equipment Grants:** Service Members who have suffered a loss or permanent loss of use of one or both hands, one or both feet, or a permanent impairment of vision may be eligible to receive a grant to purchase an automobile to accommodate the disability. VA pays seller of the automobile up to \$11,000.
 - **Home Modification Programs:** Disabled veterans and Service Members may receive grants for necessary home modifications through multiple VA grant programs. Veterans and Service Members are eligible for either the Specially Adapted Housing (SAH) or Special Home Adaptation Grant (SHA), depending on the type and severity of their disability. In conjunction with SAH or SHA, veterans may receive a Home Improvements and Structural Alterations Grant (HISA) for home improvements necessary for the continuation of treatment or disability access to the home.
 - **Service-Disabled Veterans Insurance:** Veterans with a service-connected disability but who are otherwise healthy may receive life insurance for up to \$10,000 of coverage. Veterans who are totally

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Source: United States Department of Veteran Affairs website, <http://www.vba.va.gov>.

disabled may be eligible to have their premiums waived and to apply for additional coverage.

- **Former Prisoners of War:** The Former Prisoners of War Benefits Act classifies certain diagnoses as presumptive service-connected conditions for former POWs, which renders these individuals eligible for compensation and priority medical treatment
- **Benefits for Filipino Veterans:** Filipino veterans may be eligible for VA benefits, including service connected disability compensation, non-service connected pension and a clothing allowance. They may also be eligible for health care benefits.
- **Assistance for Veterans with Limited Income**
 - **Pension:** Veterans who have limited income and who are permanently and totally disabled or age 65 or older may be eligible to receive a pension.
 - **Assistance for Homeless Veterans:** Multiple VA programs provide case management services, counseling, physical and psychiatric health exams, and housing assistance for homeless veterans who qualify.
- **Assistance with Home Loans**
 - **Home Loan Guaranty:** VA-guaranteed loans are made by private lenders. Upon approval of the loan, VA will guarantee a portion of it, depending on the size of the loan. Only a minimal down payment, if any, is required. The loan may be used to buy a home, to build or improve a home, to buy a lot for a manufactured home, or to refinance an existing loan. Unmarried surviving spouses may also be eligible for this program.
 - **Veterans' Mortgage Life Insurance (VMLI):** Veterans who received a Specially Adapted Housing Granted (SAH), have title to the home, and a mortgage on the home may receive insurance coverage on the mortgage. VMLI will pay up to \$90,000 of the outstanding mortgage.
- **Benefits Available to Dependents and Survivors of Veterans**
 - **Dependency & Indemnity Compensation:** Unmarried surviving spouses and dependent children of Service Members who die during active service or of certain veterans may receive this monthly benefit. Parents of veterans who die in service or as a result of a service-connected disability may also be eligible.
 - **Death Pension:** Unmarried surviving spouses and dependent children of wartime veterans whose death is not due to a service-connected disability may receive this monthly benefit.

- Education and Training: Unmarried surviving spouses of certain Service Members and veterans may receive educational and training benefits up to 10 to 20 years after eligibility is established. Dependent children are eligible from age 18 to 26.
- Health Care: Unmarried surviving spouses and children of certain veterans may receive coverage through the Civilian Health and Medical Program of the Department of Veterans Affairs.
- Civil Service Preference: The unmarried surviving spouse or mother of certain deceased veterans may qualify for hiring preference within the federal government.
- **Burial and Memorial Allowances**
 - VA burial allowances partially reimburse an eligible veteran's burial and funeral costs. For service-related deaths on or after September 11, 2001, VA will pay up to \$2,000 toward burial expenses. VA will pay up to \$1,500 for deaths prior to September 10, 2001. For non-service-related deaths on or after December 1, 2001, VA will pay up to \$300 toward burial and funeral expenses and a \$300 plot-interment allowance.
- **Insurance**
 - Service members' Group Life Insurance (SGLI): Service Members on active duty, Ready Reservists, and certain other Service Members may apply for SGLI coverage up to the maximum of \$400,000. The cost is \$0.07 per month per \$1,000 of insurance.
 - Veterans' Group Life Insurance(VGLI): VGLI converts an SGLI policy to a renewable term life insurance policy, which may be retained for life regardless of health.
 - Veterans' Mortgage Life Insurance: Veterans who received a Specially Adapted Housing Granted (SAH), have title to the home, and a mortgage on the home may receive insurance coverage on the mortgage. VMLI will pay up to \$90,000 of the outstanding mortgage.
 - Service-Disabled Veterans Insurance: Veterans with a service-connected disability but who are otherwise healthy may receive life insurance for up to \$10,000 of coverage. Veterans who are totally disabled may be eligible to have their premiums waived and to apply for additional coverage.
 - Family Service members' Group Life Insurance: Provides coverage for the spouses and dependent children of Service Members insured under the SGLI. Family SGLI provides coverage up to \$100,000 for spouses and up to \$10,000 for each child.
- **Other**

- Chemical and Biological Warfare Testing: Veterans who may have been affected by Project 112 and Project Shipboard Hazard And Defense ("SHAD") (testing conducted from 1962-1973) may receive a free physical examination at a VA medical center, and are exempt from co-payments for care or medications required to treat related health problems.
- Incarcerated Veterans: Incarcerated veterans who may be at risk for homelessness upon their release may seek short-term case management assistance from The Healthcare for Re-Entry Veterans Program. Moreover, a veteran may receive certain VA benefits, such as disability compensation, while in prison, but the amount paid may be reduced or discontinued depending on the reason for incarceration, or following a conviction.

New York State¹³

- **Licenses & Permits**
 - Hunting Licenses & Fishing Permits are available at reduced cost to certain veterans.
- **E-Z Pass**
 - A disabled veteran who obtains a fee exempt vehicle registration from the New York State Department of Motor Vehicles may enroll in the Authority's Disabled Veteran Non-Revenue E-Z Pass program. This allows free, unlimited travel in a qualified vehicle anywhere on the Thruway system.
- **Registration Fee Exemptions for Military Veterans**
 - Certain military veterans may be exempt from automobile registration and vehicle plate fees.
- **State Veterans' Nursing Homes**
 - Certain veterans and dependents who require skilled nursing care, who have been New York residents for at least one year or entered active duty from the State of New York, may be eligible for admission to one of five facilities owned and operated by the New York State Department of Health and SUNY.

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Source: New York State Division of Veterans' Affairs website, <http://www.veterans.ny.gov>.

- **Operation Recognition**
 - Enables certain veterans to earn high school diplomas if they left school prior to graduation.
- **Military Service Recognition Scholarships**
 - Provides financial aid to certain veterans, children, spouses, and financial dependents of members of the U.S. Armed Forces who while NYS residents, died or suffered a severe and permanent disability while engaged in hostilities or training for hostilities.
- **Regents Awards**
 - Children of Deceased & Disabled Veterans may be awarded up to \$450 per year to students if their parent(s) served in the US Armed Forces during a national emergency.
- **State Tuition Scholarship Assistance**
 - Military Service Recognition Scholarships provide veterans or their dependents with funding equal to SUNY's four-year college tuition rate, plus allowances for other expenses. Eligible recipients are those who, while a New York resident, on or after August 2, 1990, died or became severely or permanently disabled during combat or training.
- **The Blind Annuity Program**
 - Annuity payment for certain legally blind New York State wartime veterans or the surviving un-remarried spouse of the blind veteran.
- **Homes for Veterans Program**
 - Fixed-rate mortgages, closing cost assistance, and no points or origination fees for certain veterans and their spouses or co-borrowers.
- **Gold Star Parent Annuity**
 - Authorizes an annuity payment of up to \$500 per Gold Star parent of a deceased veteran if certain eligibility requirements are met.
- **NYS Veterans' Property Tax Exemption**
 - Provides a partial exemption on real property taxes to certain veterans.
- **Supplemental Burial Allowance**

- Provides a maximum of \$6,000 payment to defray funeral and burial expenses for certain NYS residents who were members of the armed forces.
- **Veteran Employees with Disabilities (55c)**
 - Assistance with placing individuals with disabilities in entry-level State jobs.
- **The Uniformed Services Employment and Reemployment Rights Act (USERRA)**
 - Prohibits discrimination against persons because of their service in the Armed Forces Reserve, the National Guard, or other uniformed services.
 - Employers cannot deny such individuals any benefit of employment for reasons related to their service.
 - Veterans and certain other members of the uniformed services can reclaim their civilian employment after service or training.
 - Veterans receive preference in hiring from competitive lists and in retention during workforce reductions.

Comparison of Benefits: Federal vs. State

SUMMARY OF KEY STATUTORY PROVISIONS AFFECTING SERVICE MEMBERS AND VETERANS

	FEDERAL	STATE
	Service Members Civil Relief Act ("SCRA") (50 U.S.C. §§ 501-597b)	NYS Soldiers' and Sailors' Civil Relief Act (NY Military Law §§ 300-328)
	Applies to Service members	Applies to Service members
Interest Rate Cap	<p>Interest rate on mortgage payments, credit cards, and other obligations may be capped at 6% (if service materially affects the member's ability to pay).</p> <ul style="list-style-type: none"> For mortgages, this cap remains in effect during the period of military service and one year thereafter. For other obligations, the cap remains in effect during the period of military service. <p>(Section 527).</p>	<p>During military service, interest on obligation or liability incurred before service capped at 6%. (Section 323-a)</p>
Foreclosure	<p>Mortgage lenders may not foreclose, or seize property for failure to pay a debt, while a service member is on active duty or for 9 months grace period prior to December 31, 2012 unless they have the approval of a court. (Section 533).</p> <p>After December 31, 2012, a court order is required prior to a foreclosure, sale or seizure of property while the service member is on active duty or within 90 days after</p>	<p>With respect to property owned prior to commencement of military service, court may stay proceedings to enforce obligations for non-payment. No sale, foreclosure, or seizure of property for non-payment shall be valid during period of military service or six months after, unless upon court order. (Section 312).</p>

	active duty.	
Residential and Other Leases/Eviction	<p>After executing a lease, a person who enters military service or a service member who receives permanent change of station orders or who is deployed to a new location for 90 days or more have the right to terminate a lease for residential, professional, business, agricultural or similar purpose upon written notice to the landlord.</p> <p>Termination is effective 30 days after the next rental payment is due (if lease provides for monthly payment of rent) or the last day of the month following the month in which notice is given. (Section 535)</p> <p>May not evict service member or family for nonpayment of rent from home occupied as primary residence when the rent does not exceed a certain amount adjusted annually, except by court order. (Section 531).</p>	<p>After military service begins, allows for termination of a lease upon proper notice, effective thirty days after next rental payment due or last day of the following month (depending on the type of lease). (Section 310)</p> <p>No eviction during period of military service except upon leave of court. (Section 309)</p>
Motor Vehicle Lease Contracts	<p>Automobile leases may be terminated when a service member receives permanent change of station orders or is deployed to a new location for 180 days or more.</p> <p>Termination is effective when the vehicle is returned, not later than 15 days after delivery of written notice to lessor of termination. (Section 535).</p>	<p>After military service begins, lease can be terminated upon notice and effective 30 days after first date on which next lease payment is due and payable after notice delivered, or the vehicle is returned to the lessor, whichever is later. (Section 311-a)</p>
Telephone Contracts	<p>Telephone contracts, including contracts for cellular telephone service, may be terminated via written or electronic notice when a service member is ordered to relocate for 90 days or more to a location that does not support the contract. (Section 535a).</p>	
Installment	A contract by a service	After military service begins,

Contracts	member for the purchase of real or personal property, including a car, or the lease or bailment of such property may not be rescinded or terminated for breach of contract occurring before or during military service, and such property may not be repossessed without a court order. (Section 532).	cannot exercise right or option to rescind or terminate contract or resume possession of property for nonpayment of any installment or for breach of the terms occurring prior to or during military service, except through court action. (Section 311)
Other rental contracts		After military service begins, service member entitled to, upon meeting certain notice requirements, cancel contract at no penalty and with full refund of any moneys placed on deposit. (Section 311-b)
Life Insurance	A service member may have the Dept. of Veteran Affairs guarantee payment on certain types of commercial life insurance policies for the period of military service and for two years after that. (Sections 541 - 549)	No life insurance policy of a member of a reserve component of the armed forces who is called to active duty, or policy which has been brought w/I the benefits of the federal SSCRA, shall lapse or be forfeited for nonpayment of premium during period of service, or during two years after expiration of that period; also addresses individual accident and health insurance policies for members of state organized militia. (Section 316); Protection for assignor of life insurance policy. (Section 316-a).
Health Insurance	Service Members are entitled to have their civilian health insurance reinstated when they return to civilian life following periods of active duty. (Section 594).	No individual accident and health insurance policy which insures a member of the organized militia of the state shall lapse or be forfeited for non-payment during period of 60 days from date that member begins active duty if appropriate notice furnished. (Section 316).
Contract Penalties	If a service member fails to perform an obligation arising under a contract and a penalty is incurred arising from that nonperformance, a court may reduce or waive the fine or penalty if (1) the service member was in military service at the time the fine or penalty was incurred; and (2) the ability of the service member to perform the obligation was materially affected by such	When action for contract compliance stayed, no fine or penalty shall accrue for failure to comply with contract during period of stay. (Section 305).

	military service. (Section 523).	
Impact on Certain Future Financial Transactions	Application pursuant to this statute for stay, postponement or suspension of tax, fine, penalty, insurance premium or other civil obligation alone shall not provide basis for: determination that person unable to pay; denial or revocation of credit, change of terms of existing credit arrangement, refusal by creditor to grant credit in substantially same amount/terms; adverse credit report; change in insurance terms. (Section 518).	Application pursuant to this statute for stay, postponement or suspension of tax, fine, penalty, insurance premium or other civil obligation or liability alone shall not provide basis for: determination that person unable to pay; denial or revocation of credit, change of terms of existing credit arrangement, refusal by creditor to grant credit in substantially same amount/terms; adverse credit report; refusal to insure. (Section 313-a).
Storage Liens	Without a court order, a person holding a lien on the property or effects of a service member may not, during any period of military service and for 90 days thereafter, foreclose or enforce any lien on such property or effects. (Section 537)	No person shall exercise any right to foreclose or enforce any lien for storage of household goods, furniture, or personal effects of a person in military service during such person's period of military service and for three months thereafter except upon court order. (Section 316-a)

Additional Resources for Service Members and Veterans

- **Federal**

- **U.S. Department of Defense:** www.defense.gov
 - **Military HomeFront:** www.militaryhomefront.dod.mil
 - Military HomeFront is a Department of Defense website designed to help improve the quality of life for troops and their families. It includes information on education, housing, legal matters, personal finances and benefits.
- **U.S. Department of Veteran Affairs:** www.vba.va.gov/VBA/
- **Board of Veterans Appeals:** www.va.gov/vbs/bva/
- **U.S. Department of Housing and Urban Development:** www.portal.hud.gov/hudportal/HUD
 - Information specifically for veterans at www.portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/veteran_information
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- **Federal Trade Commission Consumer Sentinel/Military:** www.ftc.gov/sentinel/military/
 - The FTC website provides consumer education materials covering a wide range of consumer protection issues. In addition, its Consumer Sentinel/Military feature allows members of the United States Armed Forces to enter consumer complaints directly into a database that is accessible to law enforcement organizations, the Department of Defense, and other military law enforcement

- **New York State**

- **New York State Division of Veterans' Affairs:** www.veterans.ny.gov
- **New York State Higher Education Services Corporation:** www.hesc.com
 - See "Military Corner" of website for information on grants and scholarships for higher education available to Service Members and veterans.

- **Other Resources**

- **Better Business Bureau ("BBB") Military Line:** www.military.bbb.org. Provides military related consumer news and alerts, and general consumer education and advocacy materials to Service Members and their families. Individuals can also file complaints and requests reports on businesses through the BBB site.
- **Military OneSource:** www.militaryonesource.com. Includes information on a variety of issues affecting Service Members and their families, including advice on education, legal issues and finances.
- **Military.com:** www.military.com/. Includes information for service members, military families and veterans on government benefits and scholarships.
- **Legal Resources**
 - **National Veterans Legal Service Program:** www.nvlsp.org. This is a non-profit organization that "recruits, trains and assists thousands of lawyer and non-lawyer advocates who represent veterans and active duty and military personnel for free." The organization also publishes informational materials geared towards veterans, service members, their families and advocates.
 - **The Veterans Consortium Pro Bono Program:** www.vetsprobono.org. Provides pro bono assistance to veterans who have filed appeals at the U.S. Court of Appeals for Veterans Claims Court.
 - **The American Bar Association Standing Committee on Legal Assistance for Military Personnel:** www.americanbar.org/groups/legal_assistance_military_personnel.html. The Committee "improves access to pro bono civil legal assistance for active duty military personnel." Also offers publications on the rights of service members.
 - **National Organization of Veterans' Advocates:** www.vetadvocates.com. Assists veterans who seek legal advice regarding service-connected disability compensation.
 - **LawHelp:** www.lawhelp.org. Helps low and moderate income people find free legal aid programs in their communities and answers questions about their legal rights.