

**2017**  
**Exemption Application Booklet**

**3500**

California Forms & Instructions

Members of the Franchise Tax Board

Betty T. Yee, Chair

Diane L. Harkey, Member

Michael Cohen, Member

**This booklet contains:**

**Form FTB 3500**, Exemption Application

Use form FTB 3500 to apply for exemption  
from California income or franchise taxes.



STATE OF CALIFORNIA  
**Franchise Tax Board**

# Table of Contents

---

<b>General Information</b> .....	Page 3
<b>Specific Instructions</b> .....	Page 5
<b>Procedural Checklist</b> .....	Page 7
Form FTB 3500 Exemption Application General Questions .....	Side 1
Form FTB 3500 Exemption Application Specific Section Questions	
Section A, Labor, agricultural, or horticultural organization .....	Side 9
Section B, Fraternal societies, orders, or associations, etc. (Lodge system with benefits) . . .	Side 9
Section C, Cemeteries, crematoria, and like corporations .....	Side 10
Section D, Religious, charitable, scientific, literary, or educational organization .....	Side 11
Section E, Business league, chamber of commerce, professional association, or society . .	Side 12
Section F, Civic league, social welfare organization, or local association of employees . . . .	Side 12
Section G, Social and recreational organization .....	Side 12
Section H, Title holding organization .....	Side 13
Section I, Voluntary employees' beneficiary organization .....	Side 14
Section L, Fraternal beneficiary societies, orders, or associations, etc. (Lodge system with <b>no</b> benefits) .....	Side 14
Section N, Supplemental unemployment compensation trust .....	Side 14
Section T, Homeowners' association .....	Side 15
Section U, Public facility financial corporation .....	Side 17
Section V, Mobile home park acquisition organization .....	Side 17
Section W, War veterans organization .....	Side 18
Section X, Title holding organization .....	Side 19
Section Y, Credit union (state chartered effective on or after January 1, 1999) .....	Side 20
Section Z, Self-insurance pool for charitable organizations .....	Side 20
Additional Questions	
Schedule A – Churches .....	Side 21
Schedule B – Hospitals .....	Side 23
Schedule C – Credit Counseling Organizations .....	Side 25
<b>Guidelines for Bylaws</b> .....	Page 34
<b>Guidelines for Organizing Documents</b> .....	Page 35
<b>How to Get California Tax Information</b> .....	Page 44

# 2017 Instructions for Form FTB 3500

## Exemption Application

References in these instructions are to the Internal Revenue Code (IRC) as of **January 1, 2015**, and to the California Revenue and Taxation Code (R&TC).

In general, for taxable years beginning on or after January 1, 2015, California law conforms to the Internal Revenue Code (IRC) as of January 1, 2015. However, there are continuing differences between California and federal law. When California conforms to federal tax law changes, we do not always adopt all of the changes made at the federal level. For more information, go to [ftb.ca.gov](http://ftb.ca.gov) and search for **conformity**. Additional information can be found in FTB Pub. 1001, Supplemental Guidelines to California Adjustments, the instructions for California Schedule CA (540 or 540NR), and the Business Entity tax booklets.

The instructions provided with California tax forms are a summary of California tax law and are only intended to aid taxpayers in preparing their state income tax returns. We include information that is most useful to the greatest number of taxpayers in the limited space available. It is not possible to include all requirements of the California Revenue and Taxation Code (R&TC) in the instructions. Taxpayers should not consider the instructions as authoritative law.

### What's New

**Veterans' Organizations** – Effective January 1, 2018, veterans' organizations that are federally tax-exempt under Internal Revenue Code (IRC) Section 501(c)(19) may submit a copy of their Internal Revenue Service (IRS) tax-exempt determination letter to the Franchise Tax Board (FTB) to establish their state income tax exemption. Veterans' organizations that are not issued a federal determination letter can still file for an application to obtain a California tax-exempt status.

### Important Information

All corporations and unincorporated associations, even if organized on a nonprofit basis, are subject to California corporation franchise tax or income tax until the Franchise Tax Board (FTB) grants tax-exempt status to the organization.

Use the most current version of form FTB 3500, Exemption Application. The use of a prior version of the form or failure to provide all requested information may delay the exemption application process.

### Nonprofit Does Not Mean Tax-Exempt

To apply for exemption from corporate franchise or income tax, an organization must file form FTB 3500 with all required documentation.

- Until the exemption is granted, the organization remains taxable and the requirement to file a state tax return continues. The FTB may require the organization to file exempt returns for the period of time the exemption is requested.
- The fact that the organization is exempt from federal income tax does **not** automatically exempt it from California tax.
- California may require the organization to obtain a federal exemption determination letter that establishes or shows its tax-exempt status prior to issuing a state exemption determination letter.

### IRC Sections 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(6), 501(c)(7), or 501(c)(19) Organizations

California law allows federally tax-exempt IRC Sections 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(6), 501(c)(7), or 501(c)(19) organizations to be exempt from state income taxes after submitting form FTB 3500A, Submission of Exemption Request, and a federal determination letter to the FTB. To get form FTB 3500A, go to [ftb.ca.gov/forms](http://ftb.ca.gov/forms) and search for **3500A**. The organization must notify the FTB when the Internal Revenue Service (IRS) revokes their federal tax-exempt status. The FTB will revoke the tax-exempt status if the entity fails to meet certain state provisions governing exempt organizations. If an organization's tax-exempt status is revoked or denied, the organization will need to file form FTB 3500 to reinstate its tax-exempt status.

### Disclosure of Application Materials

Until the FTB grants tax-exempt status, the application and all associated documentation is confidential. The FTB may not discuss the application with any unauthorized person. However, once exemption is granted, the application, and supporting documents, shall be open to public inspection.

Upon the organization's request, public disclosure of documents relating to any trade secrets, patents, process, style of work, or apparatus may be withheld if the FTB determines that disclosure would adversely affect the organization. Additionally, public disclosure of documents may also be withheld if the disclosure would adversely affect national defense.

### California Registered Domestic Partners (RDP)

For purposes of California income tax, references to spouse, husband, or wife also refer to a California RDP, unless otherwise specified. When we use the initials RDP they refer to both a California registered domestic "partner" and a California registered domestic "partnership," as applicable. For more information on RDPs, get FTB Pub. 737, Tax Information for Registered Domestic Partners.

### General Information

#### A Purpose

The purpose of form FTB 3500 is to apply for tax-exempt status from California franchise and income tax. If the organization provides all answers and documents required, the FTB will determine if the organization qualifies for tax-exempt status.

#### B What to Send

To apply for tax-exempt status, the organization must include:

1. A completed form FTB 3500, with an original signature of an individual, such as:
  - An elected officer
  - A director
  - An authorized representative
  - A trustee (if the organization is a trust)
2. All information and documents requested in the application.
3. A \$25 application fee. Using black or blue ink, make the check or money order payable to the "Franchise Tax Board." Make all checks or money orders payable in U.S. dollars and drawn against a U.S. financial institution.

#### C Where to Apply

Mail form FTB 3500, with the supporting documents to:

EXEMPT ORGANIZATIONS UNIT MS F120  
FRANCHISE TAX BOARD  
PO BOX 1286  
RANCHO CORDOVA CA 95741-1286

If you have questions about this form, call **916.845.4171**.

## D What Happens Next

- If the organization qualifies for tax-exempt status, the FTB will mail a determination letter to the organization. The determination letter is proof of tax-exempt status. The FTB **does not** issue a “tax-exempt ID number.”
- Failure to furnish ALL required information may delay the application process, or the application may be denied.
- If additional information is required, or if documents need to be amended, the FTB will contact the person or representative designated on form FTB 3500.

## E Incorporated Organizations

If the organization is incorporated, send the following to the FTB:

- The items listed under General Information B, What to Send.
- A copy of the articles of incorporation and all amendments stamped by the California Secretary of State (SOS).
- A copy of the corporation’s bylaws or other code of regulations. See Guidelines For Bylaws on page 34.

If the organization is **not** incorporated and wishes to do so, the organization should first incorporate before applying for exemption.

For more information on incorporating go to [sos.ca.gov](http://sos.ca.gov).

### Articles of Incorporation

The articles of incorporation must meet the requirements of the California Corporations Code, and the California R&TC.

Guidelines for Organizing Documents and the sample articles of incorporation are structured to meet the California SOS requirements for incorporating and the requirements necessary for exemption.

Generally, organizations incorporating as nonprofit must do so under one of the three sections of the California Corporations Code Section 5110 (public benefit), Section 7110 (mutual benefit), or Section 9110 (religious.)

### Exceptions:

- Organizations seeking exemption under R&TC Section 23701h or Section 23701x that have members may incorporate under the stock provisions of the California Corporations Code. (See California Corporations Code Section 202.)
- If an unincorporated association is being incorporated, an article (like the following) must be added: “The name of the existing unincorporated association now being incorporated by the filing of the articles is (state name of association).”

## F Foreign Corporations

If the organization is incorporated in another state or country, it is considered a foreign corporation. A foreign corporation doing business or operating in California has a requirement to file an annual income tax return and to pay tax, even if it has not qualified to do business through the California SOS.

A foreign corporation may qualify to do business in California if it complies with the requirements of the California Corporations Code requirements and submits documents to the California SOS. For more information on qualifying, go to [sos.ca.gov](http://sos.ca.gov).

### Qualified Foreign Corporations

Qualified foreign corporations send the following to the FTB:

- The items listed in General Information B.
- A copy of the Statement and Designation by Foreign Corporation stamped by the California SOS.
- A copy of the stamped articles of incorporation from the state of incorporation.
- A copy of the corporation’s bylaws or other code of regulations. See Guidelines for Bylaws on page 34.
- A copy of the federal exemption determination letter.

### Non-Qualified Foreign Corporations

Non-qualified foreign corporations seeking tax exemption must provide a slightly different list of documents. If the foreign corporation is **not qualified** through the California SOS, send the following:

- The items listed in General Information B.
- A letter of good standing from the state of incorporation.
- A copy of the stamped articles of incorporation from the state of incorporation.
- A copy of the bylaws or other code of regulations. See Guidelines for Bylaws on page 34.
- A copy of the federal exemption determination letter.

## G Unincorporated Associations

If the organization is an unincorporated association and **does not** wish to incorporate, send the following to the FTB:

- The items listed in General Information B.
- A copy of the constitution, articles of association, bylaws or other code of regulations with specific language signed by the board of directors or other governing body. See Guidelines for Bylaws on page 34.

## Creating Documents

An unincorporated association must have a creating document that meets specific language requirements. Guidelines for Organizing Documents and samples of unincorporated association documents that begin on page 35 are structured to meet these requirements.

An unincorporated association that has tax-exempt status must reapply for exemption if it incorporates. For more information on incorporating, see General Information E, Incorporated Corporations.

## H Trusts

**Trusts must furnish a copy of the federal exemption determination letter before state exemption will be granted.** If the trust has not applied for federal exemption, it should do so. Attach a statement to form FTB 3500 stating when the federal application was submitted. In addition, send the following documents:

- The items requested under General Information B.
- A copy of the trust instrument and any amendments.

Trusts that organize and operate for purposes described in R&TC Section 23701d are treated as nonprofit corporations for tax-exempt purposes.

Pension plans described in IRC Section 401(a) are not required to file form FTB 3500 with the FTB.

## I Limited Liability Companies

A limited liability company (LLC) classified as a partnership or as a disregarded entity that meets all of the requirements of R&TC Section 23701h or 23701x may qualify for exemption from tax as a title-holding organization.

California Corporations Code Section 17701.04 allows LLCs to engage in any lawful business activity, whether or not for profit. An LLC that elects to be taxed as a corporation may qualify for tax-exempt status, if it meets all the other requirements of R&TC Section 23701 and the IRS under IRC Section 501(c).

### LLC Organized in California

If the LLC is organized in California, send the following documents:

- The items listed in General Information B.
- A copy of the articles of organization (LLC-1) and any amendments stamped by the California SOS.
- A copy of the operating agreement and any amendments.

## Foreign LLC Registered in California

If the LLC is a foreign LLC qualified in California, send the following:

- The items listed in General Information B.
- A copy of the Application to Register a Foreign Limited Liability Company (LLC-5) and any amendments stamped by the California SOS.
- A copy of the articles of organization from the state of incorporation and any amendments.
- A copy of the LLC's operating agreement.

## Additional requirement for LLCs classified as corporations

If the LLC elects to be classified as a corporation, the LLC must also provide a copy of its federal exemption determination letter or a copy of the federal Form 8832, Entity Classification Election, as submitted to the IRS. The election of classification purposes must be the same for California state tax purposes as for federal purposes.

## Articles of organization

To qualify for tax-exempt status, the articles of organization of an LLC must contain specific language. See Guidelines for Organizing Documents on page 35 for sample articles of organization.

## J Political Organizations

A political organization meeting the requirements of R&TC Section 23701r is **not** required to file form FTB 3500 with the FTB. The organization must obtain a letter from the FTB certifying tax-exempt status if it wants to incorporate and avoid the annual payment of the minimum franchise tax.

The political organization must submit a written request that includes a description of the political organization's activities and, if incorporated, a copy of the articles of incorporation and any amendments.

Mail the request to:

EXEMPT ORGANIZATIONS UNIT MS F120  
FRANCHISE TAX BOARD  
PO BOX 1286  
RANCHO CORDOVA CA 95741-1286  
Telephone: 916.845.4171

For more information about political organizations, get FTB Pub. 1075, Exempt Organizations — Guide for Political Organizations, go to [ftb.ca.gov/forms](http://ftb.ca.gov/forms) and search for **1075**.

## K Reinstatement of revoked tax-exempt status

When an entity's tax-exempt status is revoked for failure to file a return, failure to pay a balance due, or for being suspended, there is an abbreviated process to have the entity's tax-exempt status reinstated.

If the organization or trust was granted tax-exempt status after 1968, send the following documents:

- The items requested under General Information B.
- A copy of the bylaws and creating documents are required if they have been amended or changed since the tax-exempt status was originally granted by the FTB. If no amendments or changes, the documents are not required, unless specifically requested by FTB.

## L Group Exemption

A parent organization applying for group exemption for its California subordinates must first establish its own tax-exempt status. To request a group exemption, do the following:

1. Complete a separate form FTB 3500, Side 1 only.
2. Write "Group Exemption" in red in the top margin of the form on Side 1.
3. Pay a \$25 application fee. Using black or blue ink, make the check or money order payable to the "Franchise Tax Board." Make all checks or money orders payable in U.S. dollars and drawn against a U.S. financial institution.
4. Attach the following to the application:
  - A cover letter stating the subordinates are affiliated and are subject to the parent's general supervision and control.
  - A sample copy of the uniform charter.
  - An affirmation that the subordinates are operating in accordance with their stated purposes.
  - A statement that the subordinates have furnished written authorization to be included with the group exemption application.
  - A list of California subordinates, their organization number (if any), the date the subordinates affiliated with the parent, and their current mailing address.
  - The federal employer identification number (FEIN).
  - The accounting period ending used.
  - A statement as to whether the organization receives unrelated business income (if so, include the gross amount).

All the subordinates included in the group exemption must be exempt under the same lettered section under R&TC Section 23701, although not necessarily exempt under the same section as the national, state, or parent central organization.

## M Retroactive Exempt Status

The FTB may grant tax-exempt status retroactively for periods in which the organization substantiates that it was organized and operated for tax-exempt purposes.

The FTB may consider this form as a claim for refund if the organization is subsequently found to be tax-exempt during the same period that the organization previously paid tax. Under California Regulation Section 23701 in no event shall a claim for refund be allowed unless timely filed under R&TC Section 19306.

If the organization is incorporated or is a LLC, and is not currently in good standing with the FTB, this form may be considered a request to bring the organization relief from suspension or forfeiture under R&TC Section 23776.

Suspension or forfeiture means that the corporation or LLC loses its powers, rights and privileges, including the right to enforce legal contracts. Such contracts will remain voidable and unenforceable unless the organization requests relief from contract voidability, and the FTB grants relief. See R&TC Sections 19135, 19719, 23301, 23305.1, and 23305.2 for more information.

To purchase relief from contract voidability, complete form FTB 2518BC, Application of Relief from Contract Voidability. For more information, go to [ftb.ca.gov](http://ftb.ca.gov) and search for **contract voidability**.

## N Suspended/Forfeited Status

An organization must be active and in good standing to retain tax-exempt status. If the organization is not currently in good standing and all filing requirements have been satisfied and/or amounts due have been paid, this form may be considered a request to bring the organization relief from suspension or forfeiture under R&TC Section 23776.

## Specific Instructions

Form FTB 3500 is divided in two parts:

- General questions that all organizations must answer.
- Specific questions that organizations must answer for their particular exemption classification.

## General Questions

**All organizations** complete form FTB 3500, Side 1 through Side 8. Provide complete and detailed answers for each question, and any requested documents.

## Part III Financial Data

Include receipts and expenses from all sources. The organization may use its own detailed gross receipts and expenses statement provided it is similar to the statement on Side 4.

If the organization has already obtained federal tax-exempt status, the organization may attach the last three years of federal Form 990 series information returns. Federal 990N e-Postcard filers must complete the financial statement below or provide their own detailed statement.

If the organization has had financial activities for less than one year, provide a financial statement for the period of activities and a projected budget for the entire first year. If the organization has no gross receipts and expenses, attach a detailed statement explaining any operations and how the organization operates with no receipts or expenses.

Organizations seeking tax-exempt status as a social or recreational club (R&TC Section 23701g) or as a homeowners association (R&TC Section 23701t) must list their nonmembership income separately. Homeowners associations (R&TC Section 23701t) must also list any membership dues and assessments separately from membership income.

## Specific Section Questions

In addition to Side 1 through Side 8, the organization must answer specific section questions that pertain to type of exemption requested.

The Exempt Classification chart below lists the type of exemption, comparable state and federal codes, and the specific section the organization must complete. Complete only one section. Provide complete and detailed answers.

## Additional Questions

Churches, hospitals, and credit counseling organizations applying for tax-exempt status under R&TC Section 23701d or Section 23701f must complete an additional schedule. See form FTB 3500, Side 11, Section D, or Side 12, Section F for more information.

## Attachments

If the organization needs more space on the forms or schedules, attach separate sheets showing the same information in the same order as on the printed forms.

Enter the organization's name and California corporation or California SOS number on each sheet. Also, use sheets that are the same size as the forms and schedules and indicate clearly the line number of the printed form to which the information relates. Show totals on the printed forms.

## Exempt Classification Chart – Complete only one specific section

Type of organization	R&TC	IRC	Complete:
Religious, charitable, scientific, literary, or educational organization	23701d	501(c)(3)	Side 11, Section D
Homeowners' association	23701t	528	Side 15, Section T
Civic league, social welfare organization, or local association of employees	23701f	501(c)(4)	Side 12, Section F
Business league, chamber of commerce, professional association, or society	23701e	501(c)(6)	Side 12, Section E
Social and recreational organization	23701g	501(c)(7)	Side 12, Section G
Labor, agricultural, or horticultural organization	23701a	501(c)(5)	Side 9, Section A
Political organization	23701r	527	<b>Do not</b> complete form FTB 3500. See General Information J, Political Organizations.
Fraternal beneficiary societies, orders, or associations, etc. (Lodge system with <b>no</b> benefits)	23701l	501(c)(10)	Side 14, Section L
Fraternal societies, orders, or associations, etc. (Lodge system with benefits)	23701b	501(c)(8)	Side 9, Section B
Title holding organization	23701h	501(c)(2)	Side 13, Section H
Title holding organization	23701x	501(c)(25)	Side 19, Section X
Voluntary employees' beneficiary organization	23701i	501(c)(9)	Side 14, Section I
War veterans organization	23701w	501(c)(19)	Side 18, Section W
Credit union (state chartered effective on or after January 1, 1999)	23701y	501(c)(14)	Side 20, Section Y
Cemeteries, crematoria, and like corporations	23701c	501(c)(13)	Side 10, Section C
Public facility financial corporation	23701u	none	Side 17, Section U
Mobile home park acquisition organization	23701v	none	Side 17, Section V
Self-insurance pool for charitable organizations	23701z	501(n)	Side 20, Section Z
Supplemental unemployment compensation trust	23701n	501(c)(17)	Side 14, Section N

---

# Form FTB 3500 Procedural Checklist

This checklist is designed to help the organization prepare its exemption application. It is not an inclusive list of all required information on the application. If the organization does not provide all required information, additional correspondence will be necessary. This will delay the determination of exempt status or result in denial of the application. Retain a copy of the completed form FTB 3500 and all attachments for the organization's permanent records.

**Attach a copy of this checklist with the completed form FTB 3500.**

1. Has the organization:

Completed General Questions Side 1 through Side 8?  
Attach a statement if the organization needs more space to answer any question.

2. Has the organization provided detailed financial information? (check one)

Completed Part III, Receipts and Expenses Statement and Balance Sheet showing income and expenses from all sources.  
 Attached similar statements showing income and expenses from all sources.  
 Attached the last three years of federal 990 series information returns.  
 **990N e-Postcard filers:** Completed Part III, or attached a similar statement.

3. Check the Specific Section that the organization completed. Complete only one section.

<input type="checkbox"/> Section A	<input type="checkbox"/> Section G	<input type="checkbox"/> Section U
<input type="checkbox"/> Section B	<input type="checkbox"/> Section H	<input type="checkbox"/> Section V
<input type="checkbox"/> Section C	<input type="checkbox"/> Section I	<input type="checkbox"/> Section W
<input type="checkbox"/> Section D*	<input type="checkbox"/> Section L	<input type="checkbox"/> Section X
<input type="checkbox"/> Section E	<input type="checkbox"/> Section N	<input type="checkbox"/> Section Y
<input type="checkbox"/> Section F*	<input type="checkbox"/> Section T	<input type="checkbox"/> Section Z

\*If Section D or F is completed, and if the organization is a church, hospital, or credit counseling organization, check the schedule completed:

Schedule A       Schedule B       Schedule C

4. Has the organization attached the following documents?

**California corporation:**

Articles of incorporation and any amendments  
 Bylaws or other code of regulations

**Foreign corporation, qualified through the California SOS:**

Statement and Designation by Foreign Corporation  
 Articles of incorporation from the state of incorporation  
 Bylaws or other code of regulations  
 Federal exemption determination letter

**Foreign corporation, not qualified through the California SOS:**

Letter of Good Standing from the state of incorporation  
 Articles of incorporation from the state of incorporation  
 Bylaws or other code of regulations  
 Federal exemption determination letter

**Unincorporated association:**

Constitution, articles of association, or similar document  
 Bylaws

**Trust:**

Trust instrument and any amendments  
 Federal exemption determination letter

**Limited Liability Company (LLC), registered in California:**

Articles of organization (LLC-1)  
 Operating agreement

**Foreign LLC registered in California:**

Application to Register (LLC-5)  
 Articles of Organization from the state of incorporation  
 Operating agreement

5. Did the organization include:

\$25 application fee? Make checks payable to the "Franchise Tax Board."  
 The original signature of an officer or authorized representative of the organization?

6. Mail form FTB 3500 with all supporting documents to:

EXEMPT ORGANIZATIONS UNIT MS F120  
FRANCHISE TAX BOARD  
PO BOX 1286  
RANCHO CORDOVA CA 95741-1286

---

**THIS PAGE INTENTIONALLY LEFT BLANK**

---

**Visit our website:**

**[ftb.ca.gov](http://ftb.ca.gov)**



# Exemption Application

# 3500

## Organization Information

California Secretary of State corporation or file number		FEIN	
Name of organization as shown in the organization's creating document		Web address	
Address (suite, room, or PMB no.)			
City		State	ZIP code
Telephone ( )	Second telephone ( )	Fax ( )	

## Representative Information

Name of representative		Email address	
Address (suite, room, or PMB no.)			
City		State	ZIP code
Telephone ( )	Second telephone ( )	Fax ( )	

## General Questions

### Part I Organizational Structure

Check the box for the type of organization and provide the listed documents. If the listed documents are not provided, the organization's request for exemption will be delayed, or denied. Copies are acceptable.

- California Corporation** – incorporated through the California Secretary of State (SOS). See General Information E, Incorporated Organizations. Provide the articles of incorporation, including any amendments stamped by the California SOS, and the corporation's bylaws or other code of regulations.
- Foreign Corporation** – See General Information F, Foreign Corporations.  
If the corporation **qualified** through the California SOS: Provide the Statement and Designation by Foreign Corporation, stamped articles of incorporation including all amendments from the state of incorporation, the corporations bylaws or other code of regulations, and the federal exemption determination letter.  
If the organization is **not qualified** through the California SOS: Provide a letter of good standing from the state of incorporation, the stamped articles of incorporation and all amendments from the state of incorporation, the corporation's bylaws or other code of regulations, and the federal exemption determination letter.
- Unincorporated Association** – not incorporated through the California SOS. See General Information G, Unincorporated Associations. Provide the constitution, articles of association, bylaws or other code of regulations with specific language, and signed by the board of directors or other governing body.
- Trust** – See General Information H, Trusts. Provide the trust instrument, any amendments and the trust's federal exemption determination letter.
- Limited Liability Company (LLC)** – See General Information I, Limited Liability Companies.  
If the LLC is registered in California: Provide the articles of organization (LLC-1), and any amendments stamped by the California SOS, and the operating agreement.  
If the LLC is a foreign LLC registered in California: Provide the Application to Register a Foreign Limited Liability Company (Form LLC-5), letter of good standing from the state of incorporation, articles of organization from the state of incorporation including any amendments, and the operating agreement.

**Be sure to include the \$25 application fee.** Using black or blue ink, make the check or money order payable to the "Franchise Tax Board." Do not send cash. Make all checks or money orders payable in U.S. dollars and drawn against a U.S. financial institution. Mail form FTB 3500 to: EXEMPT ORGANIZATIONS UNIT MS F120, FRANCHISE TAX BOARD, PO BOX 1286, RANCHO CORDOVA, CA 95741-1286.

Under penalties of perjury, I declare that I have examined this application, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete.		
DATE	SIGNATURE OF OFFICER OR REPRESENTATIVE	TITLE

Organization name: \_\_\_\_\_

Corp number/SOS file number: \_\_\_\_\_

**Part II Narrative of Activities**

**1** Has the organization already received tax-exempt status under IRC Sections 501(c)(3), 501(c)(4), 501(c)(5), 501(c)(6), 501(c)(7), or 501(c)(19) at the federal level? ..... **1**  **Yes**  **No**

If "Yes," the organization may choose to file form FTB 3500A, Submission of Exemption Request, if the tax-exempt status was not previously revoked.

For more information, get form FTB 3500A.

If "No," continue.

**2** Enter the California Revenue and Taxation Code (R&TC) section that best fits the organization's purpose/activity. See the Exempt Classification Chart on page 6. .... **2** **R&TC Section 23701** \_\_\_\_\_

**3** Enter the date the organization formed ..... **3** \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
mm / dd / yyyy

**4** Was the organization formed in another state? ..... **4**  **Yes**  **No**

If "Yes," answer question 4a and question 4b.

**a** List the state where the organization was formed. .... **4a** \_\_\_\_\_

**b** Is the organization qualified through the California SOS? ..... **4b**  **Yes**  **No**

If "Yes," enter the date qualified ..... \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
mm / dd / yyyy

**5** What is the organization's annual accounting period ending? (must end on the last day of the calendar or fiscal year). .... **5** \_\_\_\_\_ / \_\_\_\_\_  
mm / dd

**6** What is the primary purpose of the organization?

**7** Is the organization currently conducting, or plan to conduct activities? ..... **7**  **Yes**  **No**

If "Yes," enter the date the activities began, or will begin ..... \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
mm / dd / yyyy

If "No," explain why the organization is not planning any activities.

Organization name: \_\_\_\_\_

Corp number/SOS file number: \_\_\_\_\_

**Part II Narrative of Activities (continued)**

**8** Describe the organization's past, present, and planned activities below. Do not merely refer to or repeat the language in the organizational document. List each activity separately, in the order of importance based on the relative time and other resources devoted to the activity. Indicate the percentage of time for each activity. Each description should include a:

- a** Detailed description of the activity, including its purpose and how it furthers the organization's exempt purpose.
- b** Detailed description of when the activity was or will be initiated.
- c** Detailed description of where and by whom the activity will be conducted.

Organization name: \_\_\_\_\_

Corp number/SOS file number: \_\_\_\_\_

**Part III Financial Data**

Complete the financial statement for the current year and for each year you are applying for tax-exempt status. For additional years attach separate sheets and see page 5 for more information. List the account period beginning to the account period ending. Example: mm/yyyy.

Current Tax  
Year/Proposed  
Budget

<b>RECEIPTS</b>	From	From	From	From	<b>Total</b>
	To	To	To	To	
Gifts, grants, and contributions received					
Fundraising					
Membership income, dues, and assessments					
Nonmembership income					
Gross amounts derived from activities not related to exempt purposes					
Gross receipts from admissions					
Gross receipts from commissions					
Gross receipts from advertising					
Gross receipts from sale of merchandise					
Gross receipts from services provided					
Gross investment income					
Gross receipts from furnishing of facilities					
Gross royalty income					
Gross rental income					
Gain or loss from sale of capital assets					
Other income (attach sheet itemizing each type)					
<b>TOTAL RECEIPTS</b> .....					

**EXPENSES**

Expenses directly related to the organization's exempt purposes					
Expenses not related to the organization's exempt purposes/activities					
Contributions, gifts, grants, and similar amounts paid (attach schedule)					
Disbursements to or for member benefit (attach schedule)					
Compensation of officers					
Compensation of directors					
Compensation of trustees					
Professional fees/private contractors					
Other salaries and wages					
Rental expenses (occupancy)					
Fundraising expenses					
Advertising expenses					
Other (including all operational and administrative expenses – attach sheet)					
<b>TOTAL EXPENSES</b> .....					

<b>EXCESS OF RECEIPTS OVER EXPENSES</b> .....					
---	--	--	--	--	--

Organization name: \_\_\_\_\_

Corp number/SOS file number: \_\_\_\_\_

**Part III Continued**

**Balance Sheet (for the organization's most recently completed tax year)**

	Year End:
<b>Assets</b>	
1 Cash . . . . .	1
2 Accounts receivable, net . . . . .	2
3 Inventories . . . . .	3
4 Bonds and notes receivable . . . . .	4
5 Corporate stocks . . . . .	5
6 Loans receivable . . . . .	6
7 Other investments . . . . .	7
8 Depreciable and depletable assets . . . . .	8
9 Land . . . . .	9
10 Other assets (attach an itemized list) . . . . .	10
11 Total assets (add line 1 through line 10) . . . . .	11
<b>Liabilities</b>	
12 Accounts payable . . . . .	12
13 Contributions, gifts, grants, etc., payable . . . . .	13
14 Mortgages and notes payable . . . . .	14
15 Other liabilities . . . . .	15
16 Total liabilities (add line 12 through line 15) . . . . .	16
<b>Fund Balances or Net Assets</b>	
17 Total fund balances or net assets . . . . .	17
18 Total liabilities and fund balances or net assets (add line 16 and line 17) . . . . .	18

19 Has there been any substantial change in the organization's assets or liabilities since the end of the period shown above? If "Yes," explain . . . . . 19  Yes  No

**Part IV Officers, Directors and Trustees**

List names, titles, and mailing addresses of all officers, directors, and trustees regardless if no compensation is or will be paid. For each person listed, state their total annual compensation, or proposed compensation, for all services to the organization, whether as an officer, employee, or other position. Use actual figures, if available. Enter "none" if no compensation is or will be paid. If additional space is needed, attach a separate sheet.

Name	Title	Mailing Address	Compensation Amount (annual actual or estimated)

Organization name: \_\_\_\_\_

Corp number/SOS file number: \_\_\_\_\_

**Part IV Officers, Directors and Trustees (continued)**

**Will any incorporator, founder, board member or other person(s) or entity:**

**1** Share any facilities with the organization? ..... **1**  Yes  No

If "Yes," describe the facility and state any rents charged.

Name	Title	Facility Description	Address	Rent charged

**2** Rent, sell, or transfer property to this organization? ..... **2**  Yes  No

If "Yes," explain the parties involved and each transaction in detail.

Name	Title	Property Description	Value of Property	Type of Transaction

**3** Be compensated for services other than performing as a board member or employee? ..... **3**  Yes  No

If "Yes," explain services performed and monies received. Also list the name of other directors, indicating their blood or marriage/RDP relationship, if any, to the compensated directors.

Name	Title	Services Performed	Compensation	Relationship

Organization name: \_\_\_\_\_

Corp number/SOS file number: \_\_\_\_\_

**Part V History**

**1** List any previous California entity ID numbers assigned to the organization. . . . . **1**  None

**2** Was this organization previously granted, denied, or revoked exemption by the Internal Revenue Service? . . . . **2**  Yes  No

If "Yes," complete the information below and provide a copy of any federal exemption determination letters received.

<input type="checkbox"/> Granted, IRC Section 501(c)_____	<input type="checkbox"/> Denied	<input type="checkbox"/> Revoked
Date: _____	Date: _____	Date: _____

**3 a** Was this organization previously granted, denied, or revoked exemption by California? . . . . . **3a**  Yes  No

If "Yes," complete the information below and provide a copy of any state determination letters received.

<input type="checkbox"/> Granted, R&TC Section 23701_____	<input type="checkbox"/> Denied	<input type="checkbox"/> Revoked
Date: _____	Date: _____	Date: _____

**b** Are you filing an abbreviated form FTB 3500 requesting reinstatement of a revoked tax-exempt status? (See instructions) . . . . . **3b**  Yes  No

**4** Has the organization filed any federal returns? . . . . . **4**  Yes  No

If "Yes," state the type of return (990 or 1120 series) and years filed.

**Part VI Specific Activities**

**1** Does or will the organization participate in fund-raising activities ? . . . . . **1**  Yes  No

If "No," explain below the source of funds for the organization.

If "Yes," check all the fund-raising programs the organization conducts, or will conduct.

- |   |  |
|---|--|
| <input type="checkbox"/> Mail solicitations                         | <input type="checkbox"/> Phone solicitations                                   |
| <input type="checkbox"/> Email solicitations                        | <input type="checkbox"/> Accept donations on the organization's website        |
| <input type="checkbox"/> Personal solicitations                     | <input type="checkbox"/> Receive donations from another organization's website |
| <input type="checkbox"/> Vehicle, boat, plane, or similar donations | <input type="checkbox"/> Government grant solicitations                        |
| <input type="checkbox"/> Foundation grant solicitations             | <input type="checkbox"/> Other   |

Describe each fund-raising program. For each checked activity, describe the funds raised, how the activity is conducted, and for what specific purpose the funds will be used.

Organization name: \_\_\_\_\_

Corp number/SOS file number: \_\_\_\_\_

**Part VI Specific Activities (continued)**

**2 a** Does the organization conduct any gaming activities (bingo, raffles, etc)? ..... **2a**  Yes  No

If "Yes," describe the gaming activities.

**b** Is gaming the organization's only activity? ..... **2b**  Yes  No

**3** Does or will the organization lease any property? ..... **3**  Yes  No

If "Yes," explain in detail. Include the amount of rent, a description of the property, and any relationship between the applicant organization and the other party. Also, attach a copy of the rental or lease agreement.

**4** Does or will the organization publish, sell, or distribute any literature? ..... **4**  Yes  No

If "Yes," describe the literature or attach samples. Include any internet sites.

**5** Does or will the organization publish, own, or have rights in music, literature, tapes, artworks, choreography, scientific discoveries, or other intellectual property? ..... **5**  Yes  No

If "Yes," explain. Describe who owns or will own any copyrights, patents, or trademarks, whether fees are or will be charged, how the fees are determined, and how any items are or will be produced, distributed, and marketed.

**6** Does or will the organization accept contributions of real property, conservation easements, closely held securities, intellectual property such as patents, trademarks, and copyrights, works of music or art, licenses, royalties, automobiles, boats, planes, or other vehicles, or collectibles of any type? ..... **6**  Yes  No

If "Yes," describe each type of contribution, any conditions imposed by the donor in the contribution, and any agreements with the donor regarding the contribution.

**7** Does or will the organization operate outside of the United States? ..... **7**  Yes  No

If "Yes," **(a)** name the countries and regions within the countries in which the organization operates, **(b)** describe the operations in each country and region in which the organization operates, **(c)** describe how the operations in each country and region further the organization's exempt purpose.



Organization name: \_\_\_\_\_

Corp number/SOS file number: \_\_\_\_\_

### Specific Section Questions – Complete only one specific section that applies to your organization

The following are questions for the specific type of exemption requested. Complete only the specific section that the organization requests tax-exempt status under. See the Exempt Classification Chart on page 6 for a list of the various exemptions and comparable federal codes.

**Additional Questions:** Churches, hospitals, and credit counseling organizations applying for tax-exempt status under R&TC Section 23701d or Section 23701f must also complete an additional schedule. See Section D or Section F, for more information.

#### Section A R&TC Section 23701a – Labor, agricultural, or horticultural organization

1 Are any services to be performed for members? . . . . . 1  Yes  No

If "Yes," explain.

2 Cooperative Organizations:

Provide a copy of the federal exemption letter showing exemption under IRC Section 501(c)(5).

#### Section B R&TC Section 23701b – Fraternal societies, orders, or associations, etc. (Lodge system with benefits)

Operating under the lodge system means carrying on activities under a form of organization that comprises local branches called lodges, chapters, or the like, that are largely self-governing and chartered by a parent organization.

1 Is the organization a college fraternity or sorority or a chapter of a college fraternity or sorority? . . . . . 1  Yes  No

If "Yes," college fraternities and sororities generally qualify as organizations described in R&TC Section 23701g.

For more information, get FTB Pub 1077, Guidelines for Social and Recreational Organizations. If R&TC Section 23701g appears to apply, **do not** complete Section B. Go to Section G, Social and recreational organization.

2 Does the organization operate, or plan to operate under the lodge system or for the exclusive benefit of the members of the lodge system? . . . . . 2  Yes  No

If "No," explain.

3 Is the organization a subordinate or local lodge, etc? . . . . . 3  Yes  No

If "Yes," attach a certificate signed by the secretary of the parent organization certifying that the subordinate lodge is a duly constituted body operating under the jurisdiction of the parent body.

4 Is the organization a parent or grand lodge? . . . . . 4  Yes  No

If "Yes," answer question 4a and question 4b.

a What is the number of subordinate lodges in active operation? . . . . . 4a \_\_\_\_\_

b Are periodic meetings held? . . . . . 4b  Yes  No

If periodic meetings are not held, explain.

5 Describe the types of benefits (life, sick, accident, or other benefits) paid, or to be paid, to members.

Organization name: \_\_\_\_\_

Corp number/SOS file number: \_\_\_\_\_

**Section C R&TC Section 23701c Cemeteries, crematoria, and like corporations**

**1** Does the organization currently own or plan to purchase cemetery property? ..... **1**  Yes  No

If "Yes," explain.

**2** Where is the property located?

**3** Who owns title to the property? If there is more than one owner, attach a list.

Name	ITIN/FEIN	Address

**4** What is the cost or estimated current value of property owned? ..... **4** \$ \_\_\_\_\_

**5** Does the organization have a perpetual care fund? ..... **5**  Yes  No

If "Yes," provide a copy of the federal exemption letter and a copy of the fund agreement and answer question 5a through question 5d.

**a** What are the contents of the fund (cash, securities, unsold land, etc.)?

**b** How is, or will, the fund be administered?

**c** Explain the specific purposes of the fund.

**d** What are the names of the persons administering the fund?

**6** If the organization is claiming exemption as a perpetual care fund for an organization described in IRC Section 501(c)(13), has the cemetery organization, for which funds are held, established exemption under that section? ..... **6**  Yes  No

If "No," explain.

Organization name: \_\_\_\_\_

Corp number/SOS file number: \_\_\_\_\_

**Section D R&TC Section 23701d – Religious, charitable, scientific, literary, or educational organization**

**1** Check the box(es) below that best describes the organization.

- Charitable
- Church
- Credit Counseling
- Other type of organization \_\_\_\_\_
- Educational
- School
- Testing for public safety
- Prevent cruelty to children or animals
- Hospital, Medical Center
- Literary
- Religious
- Scientific
- Qualified sports organization

Describe how the organization qualifies for tax-exempt status as the type of organization checked above.

**2** Has the organization received or expect to receive 10% or more of its assets from any organization or group of affiliated organizations (affiliated through stockholding, common ownership, or otherwise), any individuals, or members of a family group (brother or sister whether whole or half blood, spouse/RDP, ancestor or lineal descendant)? ..... **2**  Yes  No

If "Yes," explain.

**3** Does the organization attempt to influence legislation? ..... **3**  Yes  No

If "Yes," explain how the organization attempts to influence legislation.

**4** Does the organization support or oppose candidates in political campaigns in any way? ..... **4**  Yes  No

If "Yes," explain.

**5** Does the organization hold, or plan to hold, 10% or more of any class of stock or 10% or more of the total combined voting power of stock in any corporation? ..... **5**  Yes  No

If "Yes," explain.

**6 a** Does the organization operate as a church? ..... **6a**  Yes  No

If "Yes," complete Schedule A, Churches, on side 21.

**b** Is the organization's main function to provide hospital or medical care? ..... **6b**  Yes  No

If "Yes," complete Schedule B, Hospitals, on side 23.

**c** Is the organization a credit counseling organization? ..... **6c**  Yes  No

If "Yes," complete Schedule C, Credit Counseling Organizations, on side 25.

Organization name: \_\_\_\_\_

Corp number/SOS file number: \_\_\_\_\_

**Section E R&TC Section 23701e – Business league, chamber of commerce, professional association, or society.**

- 1 Has the organization performed, or does it plan to perform, particular services for members, shareholders, or others such as furnishing credit reports or collection accounts, inspecting products, conducting advertising, purchasing merchandise, coupon redemption services, or other similar undertakings? . . . . . 1  Yes  No

If "Yes," describe the types of services provided including income realized and expenses incurred in such activities. If engaged in advertising attach samples of materials.

**Section F R&TC Section 23701f – Civic league, social welfare organization, or local association of employees**

- 1 Explain in detail how the organization promotes the common good or welfare of an entire community?

- 2 Is the organization a credit counseling organization? . . . . . 2  Yes  No

If "Yes," complete Schedule C, Credit Counseling Organization, on side 25.

**Section G R&TC Section 23701g – Social and recreational organization**

To be exempt under R&TC Section 23701g, income from a combination of investment income and receipts from the general public should not exceed 35% of gross receipts. However, general public income is not to represent more than 15% of total receipts (Public Law 94-568). For more information, get FTB Pub 1077.

- 1 What is the focus of the organization's activities? (cars, golf, quilts, etc). How many members? Explain.

- 2 Does a percentage of this organization's income come from the general public's use of club facilities or participation in club activities? . . . . . 2  Yes  No

If "Yes," explain and list the percentage.

- 3 Has the organization rented, leased, or sold, or does it plan to rent, lease, or sell any part of the club's property to others? . . . . . 3  Yes  No

If "Yes," explain.

- 4 Has the organization derived, or will it derive, any income from nonmembers not explained above? . . . . . 4  Yes  No

If "Yes," provide a schedule showing member and nonmember income for the past three years and a proposed budget separating member and nonmember income for the next period of operation.

*Section G continued*

Organization name: \_\_\_\_\_

Corp number/SOS file number: \_\_\_\_\_

**Section G R&TC Section 23701g – Social and recreational organization (continued)**

5 Does the organization have different classes of membership? . . . . . 5  Yes  No

If "Yes," describe the dues and privileges of each class.

6 Is the organization's income from investments and gross receipts from the general public 35% or more? . . . . . 6  Yes  No

7 Is the income from the general public greater than 15% of total receipts? . . . . . 7  Yes  No

**Section H R&TC Section 23701h – Title holding organization**

R&TC Section 23701h requires turning over net income to a parent organization periodically. Organizations with members, incorporating as a nonprofit corporation under the California Corporations Code, are precluded from exempt status under R&TC Section 23701h. California Corporations Code Sections 5410 and 7411 prohibit any distribution to members of nonprofit public benefit corporations or nonprofit mutual benefit corporations unless the organization dissolves.

1 Is the organization currently holding title to property or does the organization plan to hold title to property? . . . 1  Yes  No

If "No," explain. If "Yes," answer question 1a and question 1b.

a List the name, FEIN, address, and number of shares held by each shareholder or parent organization.  
Attach another sheet if necessary.

Name	FEIN	Address	Number of Shares

b Describe the property being held, including cost or approximate value, and address.

2 Attach a copy of the exemption letter (federal or California) for each organization for which property will be held. If property will be held for organizations located in California, the organization must furnish a California exempt determination or acknowledgement letter.

3 Does the organization turn over net income to a parent organization? . . . . . 3  Yes  No

If "Yes," what is the amount? If "No," explain.

Organization name: \_\_\_\_\_

Corp number/SOS file number: \_\_\_\_\_

**Section I R&TC Section 23701i – Voluntary employees’ beneficiary organization**

**1** Describe the voluntary employees’ beneficiary organization.

**2** Furnish a copy of the federal exemption determination letter under IRC Section 501(c)(9).

**Section L R&TC Section 23701l - Fraternal beneficiary societies, orders, or associations, etc. (Lodge system with no benefits)**

Operating under the lodge system means carrying on activities under a form of organization that comprises local branches (called lodges, chapters, or the like) that are largely self-governing and chartered by a parent organization.

**1** Is the organization a college fraternity or sorority, or a chapter of a college fraternity or sorority? ..... **1**  **Yes**  **No**  
If “Yes,” college fraternities and sororities generally qualify as organizations described in R&TC Section 23701g.  
For more information, get FTB Pub 1077.  
If R&TC Section 23701g appears to apply, do **not** complete Section L. Go to Section G, Social and recreational organization.

**2** Does the organization operate or plan to operate under the lodge system or for the exclusive benefit of the members of a lodge system? ..... **2**  **Yes**  **No**  
If “No,” explain.

**3** Is the organization a subordinate, chapter, or local lodge, etc? ..... **3**  **Yes**  **No**  
If “Yes,” attach a certificate signed by the secretary of the parent organization certifying that the subordinate lodge is a duly constituted body operating under the jurisdiction of the parent body.

**4** Is the organization a parent or grand lodge? ..... **4**  **Yes**  **No**  
If “Yes,” answer question 4a and question 4b.

**a** What is the number of subordinate lodges in active operation? ..... **4a** \_\_\_\_\_

**b** Are periodic meetings held? ..... **4b**  **Yes**  **No**

If periodic meetings are not held, explain.

**Section N R&TC Section 23701n – Supplemental unemployment compensation trust**

Attach a copy of the supplemental unemployment benefit plan. Include any pertinent agreements. Also, attach a copy of the federal exemption determination letter.

Organization name: \_\_\_\_\_

Corp number/SOS file number: \_\_\_\_\_

**Section T R&TC Section 23701t – Homeowners’ association**

**1** Furnish a copy of the recorded Declaration of Covenants, Conditions, and Restrictions.

**2** Is the purpose of this organization to manage and maintain residential association property of members? . . . . **2**  **Yes**  **No**

If “No,” explain.

**3** Describe the types of units/lots in the association (single dwelling, condominium, condominium conversion, live/work, timeshare, or other.)

**4** Have any units/lots been sold? . . . . . **4**  **Yes**  **No**

If “No,” when will the first unit be available for sale? . . . . . mm / dd / yyyy

If “Yes,” when was the first unit sold? . . . . . mm / dd / yyyy

**5** When were, or will dues first be collected? . . . . . **5** mm / dd / yyyy

**6** Will any of the units be rented by a person or series of persons, for periods of less than 30 days that, when added together, equal more than half of the association’s taxable year? . . . . . **6**  **Yes**  **No**

**7 a** Will any of the individual units/lots owned by the organization or its members be used for nonresidential purposes? . . . . . **7a**  **Yes**  **No**

**b** If “Yes,” what is the percentage of the units/lots that will be used for nonresidential purposes? . . . . . **7b** \_\_\_\_\_ %

**8** Condominium management associations only:

**a** Is any square footage used for nonresidential purposes? . . . . . **8a**  **Yes**  **No**

**b** If “Yes” what percentage? . . . . . **8b** \_\_\_\_\_ %

**9** Residential real estate management associations only:

**a** Are any lots zoned nonresidential or used for nonresidential purposes? . . . . . **9a**  **Yes**  **No**

**b** If “Yes”, what is total number of lots and how many are nonresidential? . . . . . **9b** \_\_\_\_\_ / \_\_\_\_\_

**10 a** What is the association’s total gross income? . . . . . **10a** \$ \_\_\_\_\_

**b** What is the total gross income from nonresidential sources? . . . . . **10b** \$ \_\_\_\_\_

**11 a** What are the association’s total expenditures? . . . . . **11a** \$ \_\_\_\_\_

**b** What are the total expenditures for nonresidential purposes? . . . . . **11b** \$ \_\_\_\_\_

**12** Will this organization own, maintain, or operate a mutual water company, well, electrical generating facility, or other utility? . . . . . **12**  **Yes**  **No**

If “Yes,” describe in detail and answer question 13 through question 16.

*Section T continued*

Organization name: \_\_\_\_\_

Corp number/SOS file number: \_\_\_\_\_

**Section T R&TC Section 23701t – Homeowners’ association (continued)**

**13** Are the members/shareholders the actual users of the utility or simply investors? . . . . . **13**  **Actual Users**  
 **Investors**

**14** Is this organization furnishing utilities to (check applicable boxes)? . . . . . **14**  **Residential homes**  
 **Commercial businesses (including agricultural enterprises)**

If both, what percent of this organization’s total income will be derived from the sale of utilities for nonresidential usage? . . . . . \_\_\_\_\_ %

**15** Are the members/shareholders assessed equally on the basis of square footage/acreage? . . . . . **15**  **Yes**  **No**  
If “No,” explain how members are assessed.

**16** Are meters utilized to determine charges to members/stockholders? . . . . . **16**  **Yes**  **No**  
If “Yes,” provide a detailed breakdown on how rates are determined and the amount of revenue received.



Organization name: \_\_\_\_\_

Corp number/SOS file number: \_\_\_\_\_

**Section U R&TC Section 23701u – Public facility financial corporation**

**1** Attach samples of all certificates of participation or other securities to be issued.

**2** Describe all leases, contracts, trust agreements, or other agreements that have been, or will be, entered into by this corporation.

**Section V R&TC Section 23701v – Mobile home park acquisition organization**

**1** Are all members of the organization owners of manufactured homes, mobile homes, or mobile home tenants of the mobile home park? ..... **1**  Yes  No

If "No," explain the circumstances under which other individuals can become members of the organization.

**2** Describe the mobile home park in which owner/tenant members reside.

**3** Will the organization carry on activities other than purchasing or preparing to purchase the mobile home park in which members reside?..... **3**  Yes  No

If "Yes," describe in detail the other activities.

**4** Are all the lots within the park rented or leased to mobile home or manufactured home owners?..... **4**  Yes  No

If "No," explain.

**5** Does the rent paid by each owner include rental for the lot occupied by the mobile home or manufactured home? ..... **5**  Yes  No

If "No," explain.

Organization name: \_\_\_\_\_

Corp number/SOS file number: \_\_\_\_\_

**Section W R&TC Section 23701w – War veterans organization**

**Complete if a post or organization of past or present members of the Armed Forces of the United States.**

- 1** What is the total membership of the post or organization? ..... **1** \_\_\_\_\_

---

- 2 a** How many members are present or former members of the Armed Forces of the United States? ..... **2a** \_\_\_\_\_
- b** How many members are cadets (include students in college, university, or armed services academies)? ... **2b** \_\_\_\_\_
- c** How many are spouses/RDPs, widows or widowers of cadets or of past or present members of the Armed Forces of the United States? ..... **2c** \_\_\_\_\_

---

- 3** Does the organization have any other membership category? ..... **3**  **Yes**  **No**
- a** If "Yes," how many members? ..... **3a** \_\_\_\_\_
- b** Explain in detail.

**Complete if an auxiliary unit, society, post, or organization of past or present members of the Armed Forces of the United States.**

- 4** Is the organization affiliated with and organized according to the bylaws and regulations formulated by such an exempt post or organization? ..... **4**  **Yes**  **No**

---

- 5** How many members does the organization have? ..... **5** \_\_\_\_\_

---

- 6** How many members are past or present members of the Armed Forces of the United States, or have spouses/RDPs or persons related to them within two degrees of blood relationship (grandparents, brothers, sisters, and grandchildren are the most distant relationships allowable) that are past or present members of the Armed Forces of the United States (enter total)? ..... **6** \_\_\_\_\_

---

- 7** Are all of the members themselves members of a post or organization, past or present members of the Armed Forces of the United States, or spouses/RDPs of members of such a post or organization, or related to members of such a post or organization within two degrees of blood relationship? ..... **7**  **Yes**  **No**

If "No," explain in detail.

Organization name: \_\_\_\_\_

Corp number/SOS file number: \_\_\_\_\_

**Section X R&TC Section 23701x – Title holding organization**

R&TC Section 23701x requires turning over net income to specified parent organizations periodically. Organizations with members incorporating as a nonprofit corporation under the California Corporations Code are precluded from exempt status under R&TC Section 23701x. California Corporations Code Sections 5410 and 7411 prohibit any distribution to members of nonprofit public benefit corporations or nonprofit mutual benefit corporations unless the organization dissolves.

**1** Is the organization currently holding title to property or does the organization plan to hold title to property? . . . **1**  Yes  No

If "Yes," answer question 1a and question 1b.

If "No," explain.

**a** List the name, FEIN, address, and the number of shares of capital stock held by each parent organization.

Attach another sheet if necessary.

Name	FEIN	Address	Number of Shares
		-----	
		-----	
		-----	
		-----	

**b** Describe the property being held, including cost or approximate value and address.

**2** Provide a copy of each parent organization's federal exemption determination letter or federal plan letter.

**3** For those parent organizations that the organization holds property for and which do not have a federal exemption determination letter, provide detailed information to show that each shareholder is:

**a** A governmental plan described in IRC Section 414(d).

**b** The United States, any state or political subdivision thereof, or any agency or instrumentality of the foregoing.

**4** Does the organization turn over net income to a parent organization? . . . . . **4**  Yes  No

If "Yes," list the amounts given to each parent. If no, explain.

Organization name: \_\_\_\_\_

Corp number/SOS file number: \_\_\_\_\_

**Section Y R&TC Section 23701y – Credit union (state chartered effective on or after January 1, 1999)**

1 Provide a copy of the organization's license to operate as a credit union.

2 What is the total number of members of the organization? . . . . . 2 \_\_\_\_\_

3 Does the organization have a Federal charter? . . . . . 3  Yes  No

If "Yes," provide a copy.

4 Does the organization operate outside of California? . . . . . 4  Yes  No

If "Yes," explain.

**Section Z R&TC Section 23701z – Self-insurance pool for charitable organizations**

1 Provide a list of names, California corporation numbers, and FEIN for all participants in the pool.

2 Describe in detail the activities of each participating corporation.

3 Furnish a copy of the latest federal exemption determination letter showing exemption under IRC Section 501(c)(3) for each participating corporation.

4 Describe in detail all insurance services to be provided to members of the pool.

Organization name: \_\_\_\_\_

Corp number/SOS file number: \_\_\_\_\_

## Schedule A - Churches

Complete Schedule A only if the organization answered "Yes" to Specific Section D, Question 6a.

**1** Has a place of worship been established? ..... **1**  Yes  No

If "Yes," at what address? Who is the legal owner of the property? Other property use?

If no, explain where religious services are held.

**2** Does the organization have a regular congregation or conduct religious services on a regular basis? ..... **2**  Yes  No

If "Yes," how many usually attend the regular worship services? How often are religious services held?

If no, explain.

**3** Explain the background and training of the religious leaders.

**4** Will income be received from incorporators, ministers, officers, directors, or their families? ..... **4**  Yes  No

If "Yes," explain, including dollar amounts received.

**5** Will any founder, member, or officer take a vow of poverty? ..... **5**  Yes  No

If "Yes," explain.

**6** Will any founder, member, or officer transfer personal assets to this organization, like a home, automobile, furnishings, business, or recreational assets, etc., that will be made available for the personal use of the donors? ..... **6**  Yes  No

If "Yes," explain.

*Schedule A Churches continued*

Organization name: \_\_\_\_\_

Corp number/SOS file number: \_\_\_\_\_

## Schedule A - Churches (continued)

- 7** Will any founder, member, or officer assign or donate income to the organization that will be used to pay their own personal salary, living allowance, or that will result in any other personal benefit (such as food, medical expenses, clothing, insurance, etc.)? ..... **7**  **Yes**  **No**

If "Yes," explain.

- 8** Does the organization have a written creed, statement of faith, or summary of beliefs? ..... **8**  **Yes**  **No**

If "Yes," explain.

- 9** Do the religious leaders conduct baptisms, weddings, funerals, etc? ..... **9**  **Yes**  **No**

If "Yes," explain.

- 10** Does the organization ordain, commission, or license ministers or religious leaders? ..... **10**  **Yes**  **No**

If "Yes," describe.

Organization name: \_\_\_\_\_

Corp number/SOS file number: \_\_\_\_\_

## Schedule B - Hospitals

Complete Schedule B only if the organization answered "Yes" to Specific Section D, Question 6b. Attach a statement to explain any answers.

- 1** Are all the doctors in the community eligible for staff privileges? . . . . . **1**  Yes  No  
If "No," give the reasons why and explain how the medical staff is selected.
- 2 a** Does or will the organization provide medical services to all individuals in the community who can pay for themselves or have private health insurance? . . . . . **2a**  Yes  No  
If "No," explain.
- b** Does or will the organization provide medical services to all individuals in the community who participate in Medicare? . . . . . **2b**  Yes  No  
If "No," explain.
- 3 a** Does or will the organization require persons covered by Medicare or Medicaid to pay a deposit before receiving services? . . . . . **3a**  Yes  No  
If "Yes," explain.
- b** Does the same deposit requirement, if any, apply to all other patients? . . . . . **3b**  Yes  No  
If "No," explain.
- 4 a** Does or will the organization maintain a full-time emergency room? . . . . . **4a**  Yes  No  
If "No," explain why the organization does not maintain a full-time emergency room. Also, describe any emergency services provided.
- b** Does the organization have a policy on providing emergency services to persons without apparent means to pay? . . . . . **4b**  Yes  No  
If "Yes," provide a copy of the policy.
- c** Does the organization have any arrangements with police, fire, and voluntary ambulance services for the delivery or admission of emergency cases? . . . . . **4c**  Yes  No  
If "Yes," describe the arrangements, including whether they are written or oral agreements. If written, submit copies of all such agreements.
- 5 a** Does the organization provide for a portion of the organization's services and facilities to be used for charity patients? . . . . . **5a**  Yes  No  
If "Yes," answer question 5b through question 5e.
- b** Explain the organization's policy regarding charity cases, including how the organization distinguishes between charity care and bad debts. Submit a copy of the written policy.
- c** Provide data on the organization's past experience in admitting charity patients, including the amounts expended for treating charity care patients and types of services provided to charity care patients.
- d** Describe any arrangements with federal, state, or local governments or government agencies for paying for the cost of treating charity care patients. Submit copies of any written agreements.
- e** Does the organization provide services on a sliding fee schedule depending on financial ability to pay? . . . . . **5e**  Yes  No  
If "Yes," submit the sliding fee schedule.
- 6 a** Does or will the organization carry on a formal program of medical training or medical research? . . . . . **6a**  Yes  No  
If "Yes," describe such programs, including the type of programs offered, the scope of such programs, and affiliations with other hospitals or medical care providers with which the organization carries on the medical training or research programs.
- b** Does or will the organization carry on a formal program of community education? . . . . . **6b**  Yes  No  
If "Yes," describe such programs, including the type of programs offered, the scope of such programs, and affiliations with other hospitals or medical care providers with which the organization offers community education programs.

Schedule B Hospitals continued

Organization name: \_\_\_\_\_

Corp number/SOS file number: \_\_\_\_\_

## Schedule B – Hospitals (continued)

- 7 Does or will the organization provide office space to physicians carrying on their own medical practices? . . . . . 7  Yes  No  
If "Yes," describe the criteria for determining who may use the space, explain the means used to determine that the organization is paid at least fair market value, and submit representative lease agreements.
- 8 Is the board of directors comprised of a majority of individuals who are representative of the community served? . . . . . 8  Yes  No  
Include a list of each board member's name, and business, financial, or professional relationship with the hospital. Also identify each board member who is representative of the community and describe how that individual is a community representative.
- 9 Does the organization participate in any joint ventures? . . . . . 9  Yes  No  
If "Yes," state the ownership percentage in each joint venture, list the investment in each joint venture, describe the tax status of other participants in each joint venture (including whether they are IRC Section 501(c)(3) organizations), describe the activities of each joint venture, describe how the organization exercises control over the activities of each joint venture, and describe how each joint venture furthers the organization's exempt purposes. Also, submit copies of all agreements.
- 10 Does or will the organization manage its activities or facilities through its employees or volunteers? . . . . . 10  Yes  No  
If "No," attach a statement describing the activities that will be managed by others, the names of the persons or organizations that manage or will manage the activities or facilities, and how these managers were or will be selected. Also, submit copies of any contracts, proposed contracts, or other agreements regarding the provision of management services for the activities or facilities. Explain how the terms of any contracts or other agreements were or will be negotiated, and explain how the organization will determine it pays no more than fair market value for services.
- 11 Does or will the organization offer recruitment incentives to physicians? . . . . . 11  Yes  No  
If "Yes," describe the recruitment incentives and attach copies of all written recruitment incentive policies.
- 12 Does or will the organization lease equipment, assets, or office space from physicians who have a financial or professional relationship with the organization? . . . . . 12  Yes  No  
If "Yes," explain how the organization establishes a fair market value for the lease.
- 13 Has the organization purchased medical practices, ambulatory surgery centers, or other business assets from physicians or other persons who have a business relationship with the organization, aside from the purchase? . . . . . 13  Yes  No  
If "Yes," submit a copy of each purchase and sales contract and describe how fair market value was determined, including copies of appraisals.
- 14 Has the organization adopted a conflict of interest policy? . . . . . 14  Yes  No  
If "Yes," submit a copy of the policy and explain how the policy has been adopted, such as by resolution of the governing board. If "No," explain how the organization will avoid any conflicts of interest in business dealings.



Organization name: \_\_\_\_\_

Corp number/SOS file number: \_\_\_\_\_

# Schedule C - Credit Counseling Organizations

Complete Schedule C only if the organization answered "Yes" to Specific Section D, Question 6c or Specific Section F, Question 2.

- 1 Are the services tailored to the specific needs and circumstances of consumers? . . . . . 1  Yes  No
- 2 Does the organization make loans to debtors (other than loans with no fees or interest)? . . . . . 2  Yes  No
- 3 Does the organization negotiate the making of loans on behalf of debtors? . . . . . 3  Yes  No
- 4 Does the organization provide services for the purpose of improving a consumer's credit record, credit history, or credit rating? . . . . . 4  Yes  No  
If "Yes," are such services incidental to credit counseling? . . . . .  Yes  No
- 5 Does the organization charge any separately stated fee for services for the purpose of improving any consumer's credit record, credit history, or credit rating? . . . . . 5  Yes  No
- 6 Does the organization refuse to provide credit counseling services to a consumer due to the consumer's inability to pay, the ineligibility of the consumer for debt management plan enrollment, or the unwillingness of the consumer to enroll in a debt management plan? . . . . . 6  Yes  No
- 7 Did the organization establish and implement a fee policy that requires any fees to be reasonable and allows for a waiver of fees if the consumer is unable to pay? . . . . . 7  Yes  No
- 8 Did the organization establish and implement a fee policy that prohibits charging any fee based in whole or in part on a percentage of the consumer's debt, the consumer's payments to be made pursuant to a debt management plan, or the projected or actual savings to the consumer resulting from enrolling in a debt management plan? . . . . . 8  Yes  No
- 9 At all times, is the organization's governing body controlled by persons who represent the broad interests of the public, persons having special knowledge or expertise in credit or financial education, and community leaders? . . . . . 9  Yes  No
- 10 Is 20% or less of the organization's voting power vested in persons who are employed by the organization or who will benefit financially, directly or indirectly, from the organization's activities (other than through the receipt of reasonable directors' fees or repayment of consumer debt to creditors other than the credit counseling organization or its affiliates)? . 10  Yes  No
- 11 Is 49% or less of the organization's voting power vested in persons who are employed by the organization or who will benefit financially, directly or indirectly, from the organization's activities (other than through the receipt of reasonable directors' fees)? . . . . . 11  Yes  No
- 12 Does the organization own more than 35% of a corporation, partnership, trust, or estate that is in the trade or business of lending money, repairing credit, or providing debt management plan services, payment processing, or similar services? . . 12  Yes  No
- 13 Does the organization receive any amounts for providing referrals to others for debt management plan services or pay any amount to others for obtaining referrals of consumers? . . . . . 13  Yes  No
- 14 Does the organization solicit contributions from consumers during the initial counseling process or while the consumer is receiving services from the organization? . . . . . 14  Yes  No
- 15 Do the aggregate revenues of the organization, which are from payments of creditors of consumers of the organization and which are attributable to debt management plan services, exceed 50% of the total revenues of the organization? . . . . 15  Yes  No  
If the Transition rule in IRC Section 501(q)(2)(B)(ii) applies, please attach a statement of explanation.
- 16 If the organization is a credit counseling organization, did the organization receive federal exemption under IRC Section 501(c)(4)? . . . . . 16  Yes  No  
If "No," explain.

---

## Guidelines For Bylaws

Bylaws set forth how an organization will operate. The following are some standard categories included in bylaws and descriptions of what may be addressed in each category. These are not mandatory categories, nor are they all inclusive. They are merely provided for guidance purposes. When the organization drafts its bylaws, include only those categories that meet the operational goals of the organization.

### Name

The name of the organization. The form of the seal (if any). What is required for the organization to change its name (such as a vote of a certain percentage of the members).

### Purpose

Describe the purpose of the organization.

### Membership

Establish requirements regarding the membership including:

1. Basis for membership
2. Basis for terminating a person's membership

### Meetings

Describe activities or requirements for meetings, including:

1. When regular meetings will be held
2. How they are to be rescheduled if the need arises
3. How and when members will be notified of meetings
4. How special meetings are to be called
5. What percentage of membership constitutes a quorum in the event a vote is to be taken

### Voting

Describe issues concerning voting, including:

1. When and how voting will be conducted
2. How the votes will be tallied and who will do the tallying
3. How board members and officers will be elected

### Order of Business

Establish the order in which the meetings will be conducted.

### Board of Directors

Describe the requirements of the board of directors, including:

1. How many board members there will be
2. How they will be chosen
3. How long they will serve
4. What their responsibilities will be
5. When they will meet
6. How many constitute a quorum
7. Basis for removal of a director

### Officers

Describe the requirements of the officers, including:

1. How many officers there will be
2. How they will be chosen
3. How long they will serve
4. What their responsibilities will be
5. When they will meet
6. Basis for removal of an officer
7. Whether they will be compensated for their services

### Salaries

Describe issues concerning salaries, including:

1. Who will establish the amount
2. Options for revising the amount

### Committees

Describe issues associated with committees, including:

1. What the committees will be responsible for doing
2. How new committees will be created
3. Who may serve on a committee
4. How long members will serve on a committee
5. Basis for removing committee members

### Dues

Describe issues associated with dues, including:

1. The amount of dues
2. When they are to be paid
3. Consequences of failing to pay the dues
4. How the amount is established and/or revised

### Records and Reports

Describe the accounts, books, and records to be maintained by the organization. Describe the minutes to be kept at each meeting, whether or not they will be opened for inspection and, if open, when they will be available.

### Amendments

Describe issues associated with how the bylaws will be amended, include:

1. Who can initiate an amendment
2. When the amendment will be made
3. If a vote is to be taken will a majority or quorum be required

### Other

Include any other provisions that describe how the organization will operate.

# Guidelines for Organizing Documents

The tables below and samples that begin on the next page provide direction to draft the organization's creating documents for corporations, unincorporated associations, and LLCs. Creating documents for corporations, unincorporated associations, and LLCs require a signature by the incorporator or authorized representative.

Generally, organizations incorporating as a nonprofit must do so under one of the three sections of the California Corporations Code: Section 5110, Public Benefit Corporation Law, Section 7110, Mutual Benefit Corporation Law, or Section 9110, Religious Corporation Law.

Title holding organizations incorporating under R&TC Section 23701h or Section 23701x that have members must incorporate under the stock provisions of the California Corporations Code. (See California Corporations Code Section 202.) The articles of incorporation must contain a statement that the activities will be limited to those permitted under whichever section of the R&TC the exemption is being sought. If the organization does not have any members, it may incorporate as a mutual benefit corporation.

## Incorporated, or Incorporating Organizations

The sample articles below contain the required statements for corporations applying for tax-exempt status.

Applying for exemption under R&TC section	And the organization is	Refer to Sample
23701d	Exclusively religious	A
23701d	Public Benefit	B
23701f	Civic league, social welfare, local association of employees	E
23701t	Homeowners' Association	D
23701h or 23701x	Title holder	F
23701u	Public facility financing corporation	G
23701w	War veterans organization	H
Any other section	Mutual Benefit Corporations	C

## Unincorporated Associations

The language in the sample articles below meet the requirements for unincorporated associations seeking tax-exempt status.

Applying for exemption under R&TC section	And the organization is	Refer to Sample
23701d	Exclusively religious	I
23701d	Other than exclusively religious	J
23701f	Civic league, social welfare, local association of employees	K
23701w	War veterans organization	L
Any other section		M

## Limited Liability Company

The language in the referenced samples below may be used if the LLC seeking tax-exempt status has elected to be taxed as a corporation (R&TC Sections 23701h and 23701x are not required to elect to be taxed as a corporation).

Applying for exemption under R&TC section	And the organization is	Refer to Sample
23701d	Exclusively religious	I
23701d	Other than exclusively religious	J
23701f	Civic league, social welfare, local association of employees	K
23701w	War veterans organization	L
Any other section		M

## Dissolution and Alternate Distributees

Organizations that wish to distribute their assets to a specific organization when they dissolve, must provide for an alternate distributee. This is needed because the specific organization may not be in existence or may not be exempt under the appropriate section of law at the time of distribution.

IRC Sections 501(c)(3) and 501(c)(4) organizations may use the following sample clauses below.

**Charitable, educational and/or religious organizations.** Upon the dissolution or winding up of this organization, its assets remaining after the payment of, or provision for the payment of, all debts and liabilities of this organization, shall be distributed to *(Enter the name of the organization)* if it is then in existence and organized and operated exclusively for charitable, educational, and/or religious purposes and exempt under IRC Section 501(c)(3), but if not then in existence or so organized and operated or exempt, to another organization which is organized and operated exclusively for charitable, educational, and/or religious purposes and which has established its tax-exempt status under IRC Section 501(c)(3).

**Social welfare organizations.** IRC Section 501(c)(4) organizations that wish to designate a specific organization must also provide for an alternate distributee. Social welfare organizations may use the following sample clause in lieu of Sample A, Article VII; Sample B, Article VII; Sample C, Article VII; Sample E, Article VII; Sample H, Item 5; Sample I, Item 5 or Sample J, Item 5.

Upon the dissolution or winding up of this organization, its assets remaining after the payment of, or provision for the payment of, all debts and liabilities of this organization, shall be distributed to *(Enter the name of the organization)* if it is then in existence and organized and operated exclusively for charitable, religious, educational and/or social welfare purposes and exempt under IRC Section 501(c)(3) or 501(c)(4), but if not then in existence or so organized and operated or exempt, to another organization which is organized and operated exclusively for charitable, religious, educational, and/or social welfare purposes and which has established its tax-exempt status under IRC Section 501(c)(3) or 501(c)(4).

---

# Sample A

**Exclusively Religious R&TC Section 23701d** (see ARTS-RE Articles of Incorporation of a Nonprofit Religious Corporation)

## ARTICLES OF INCORPORATION

**1. Corporate Name** (List the proposed corporate name. Go to [sos.ca.gov/business/be/name-availability.htm](http://sos.ca.gov/business/be/name-availability.htm) for general corporate name requirements and restrictions.)

The name of the corporation is \_\_\_\_\_.

**2. Corporate Purpose** This corporation is a religious corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Religious Corporation Law exclusively for religious purposes.

**3. Service of Process** (List a California resident or an active 1505 corporation in California that agrees to be your initial agent to accept service of process in case your corporation is sued. You may list any adult who lives in California. You may **not** list your own corporation as the agent. **Do not** list an address if the agent is a 1505 corporation as the address for service of process is already on file.)

a. \_\_\_\_\_  
Agent's Name

b. \_\_\_\_\_  
Agent's Street Address (if agent is not a corporation) – Do not list a P.O. Box

City (no abbreviations)	State	Zip
-------------------------	-------	-----

### 4. Corporate Addresses

a. \_\_\_\_\_  
Initial Street Address of Corporation – Do not list a P.O. Box

City (no abbreviations)	State	Zip
-------------------------	-------	-----

b. \_\_\_\_\_  
Initial Street Address of Corporation – Do not list a P.O. Box

City (no abbreviations)	State	Zip
-------------------------	-------	-----

### 5. Additional Statements

(The following statements are for tax-exempt status in California.)

- a. The specific purpose of this corporation is to \_\_\_\_\_.
- b. This corporation is organized and operated exclusively for religious purposes within the meaning of Internal Revenue Code Section 501(c)(3).
- c. No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and this corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.
- d. The property of this corporation is irrevocably dedicated to religious purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer, or member thereof, or to the benefit of any private person.
- e. Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit fund, foundation, or corporation which is organized and operated exclusively for charitable, educational and/or religious purposes and which has established its tax-exempt status under Internal Revenue Code Section 501(c)(3).

---

## Sample B

**Public Benefit under R&TC Section 23701d** (see ARTS-PB-501(c)(3) Articles of Incorporation of a Nonprofit Public Benefit Corporation)

### ARTICLES OF INCORPORATION

1. **Corporate Name** (List the proposed corporate name. Go to [sos.ca.gov/business/be/name-availability.htm](http://sos.ca.gov/business/be/name-availability.htm) for general corporate name requirements and restrictions.)  
The name of the corporation is \_\_\_\_\_.
2. **Corporate Purpose** (Item 2a: Check one or both boxes. Item 2b: The specific purpose of the corporation must be listed if you are organizing for "public" purposes, or if you intend to apply for tax-exempt status in California.)
  - a. This corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for  public purposes.  charitable purposes.
  - b. The specific purpose of this corporation is to \_\_\_\_\_.
3. **Service of Process** (List a California resident or an active 1505 corporation in California that agrees to be your initial agent to accept service of process in case your corporation is sued. You may list any adult who lives in California. You may **not** list your own corporation as the agent. **Do not** list an address if the agent is a 1505 corporation as the address for service of process is already on file.)
  - a. \_\_\_\_\_  
Agent's Name
  - b. \_\_\_\_\_  
Agent's Street Address (if agent is not a corporation) – Do not list a P.O. Box
  - City (no abbreviations)
  - State
  - Zip
4. **Corporate Addresses**
  - a. \_\_\_\_\_  
Initial Street Address of Corporation – Do not list a P.O. Box
  - City (no abbreviations)
  - State
  - Zip
  - b. \_\_\_\_\_  
Agent's Street Address (if agent is not a corporation) – Do not list a P.O. Box
  - City (no abbreviations)
  - State
  - Zip
5. **Additional Statements** (The following statements are required to obtain tax exemption from the Internal Revenue Service or the California Franchise Tax Board under Internal Revenue Code Section 501(c)(3). Note: Corporations seeking other types of tax exemptions should not use this form.)
  - a. This corporation is organized and operated exclusively for the purposes set forth in Article 2a hereof within the meaning of Internal Revenue Code Section 501(c)(3).
  - b. No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and this corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.
  - c. The property of this corporation is irrevocably dedicated to the purposes in Article 2a hereof and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer, or member thereof, or to the benefit of any private person.
  - d. Upon the dissolution or winding up of the corporation, its assets remaining after payment, or provision for payment, of all debts and liabilities of this corporation shall be distributed to a nonprofit fund, foundation, or corporation which is organized and operated exclusively for charitable, educational and/or religious purposes and which has established its tax-exempt status under Internal Revenue Code Section 501(c)(3).

---

## Sample C

**Mutual Benefit Corporations** (see ARTS-MU Articles of Incorporation of a Nonprofit Mutual Benefit Corporation)

### ARTICLES OF INCORPORATION

1. **Corporate Name** (List the proposed corporate name. Go to [sos.ca.gov/business/be/name-availability.htm](http://sos.ca.gov/business/be/name-availability.htm) for general corporate name requirements and restrictions.)  
The name of the corporation is \_\_\_\_\_.
2. **Corporate Purpose** This corporation is a nonprofit mutual benefit corporation organized under the Nonprofit Mutual Benefit Corporation Law. The purpose of this corporation is to engage in any lawful act or activity, other than credit union business, for which a corporation may be organized under such law.
3. **Service of Process** (List a California resident or an active 1505 corporation in California that agrees to be your initial agent to accept service of process in case your corporation is sued. You may list any adult who lives in California. You may **not** list your own corporation as the agent. **Do not** list an address if the agent is a 1505 corporation as the address for service of process is already on file.)
  - a. \_\_\_\_\_  
Agent's Name
  - b. \_\_\_\_\_  
Initial Mailing Address of Corporation, if different from 4a
  - City (no abbreviations)
  - State
  - Zip
4. **Corporate Addresses**
  - a. \_\_\_\_\_  
Initial Street Address of Corporation- Do not list a P.O. Box
  - City (no abbreviations)
  - State
  - Zip
  - b. \_\_\_\_\_  
Initial Street Address of Corporation- Do not list a P.O. Box
  - City (no abbreviations)
  - State
  - Zip
5. **Additional Statements** (The following statements are for tax-exempt status in California.)
  - a. The specific purpose of this corporation is to \_\_\_\_\_.
  - b. Notwithstanding any of the above statements of purposes and powers, this corporation shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the specific purpose of this corporation.

---

# Sample D

**Residential Homeowners' Association under R&TC Section 23701t** (see ARTS-CID Articles of Incorporation of a Common Interest Development Association. Note: The Articles of Incorporation must check the box for the Davis-Stirling Common Interest Development Act, and state the specific purpose is to operate a residential homeowners' association under R&TC Section 23701t.)

## ARTICLES OF INCORPORATION

**1. Corporate Name** (List the proposed corporate name. Go to [sos.ca.gov/business/be/name-availability.htm](http://sos.ca.gov/business/be/name-availability.htm) for general corporate name requirements and restrictions.)  
The name of this corporation is \_\_\_\_\_.

**2. Corporate Purpose** (Check the Applicable Box. Only 1 box may be selected.) This corporation is a nonprofit mutual benefit corporation organized under the Nonprofit Mutual Benefit Corporation Law. The purpose of this corporation is to engage in any lawful act or activity, other than credit union business, for which a corporation may be organized under such law. This corporation is an association formed to manage a common interest development under the:

- Davis-Stirling Common Interest Development Act (California Civil Code Section 4000 et seq.).
- Commercial and Industrial Common Interest Development Act (California Civil Code Section 6500 et seq.).

**3. Service of Process** (List a California resident or a California registered corporate agent that agrees to be your initial agent to accept service of process in case your corporation is sued. You may list any adult who lives in California. You may **not** list your own corporation as the agent. **Do not** list an address if the agent is a California registered corporate agent as the address for service of process is already on file.)

a. \_\_\_\_\_  
Agent's Name

b. \_\_\_\_\_  
Agent's Street Address (if agent is not a corporation) Do not list a P.O. Box City (no abbreviations) State Zip

### 4. Corporate Addresses

a. \_\_\_\_\_  
Initial Street Address of Corporation- Do not list a P.O. Box City (no abbreviations) State Zip

b. \_\_\_\_\_  
Initial Street Address of Corporation- Do not list a P.O. Box City (no abbreviations) State Zip

c. \_\_\_\_\_  
Business or Corporate Office of Common Interest Development, if any City (no abbreviations) State Zip

d. \_\_\_\_\_  
Front street and nearest cross street for the physical location of the common interest development, if 4c is not physically on site

**5. Managing Agent** (List the name and address of the association's managing agent, if any.)

\_\_\_\_\_ City (no abbreviations) State Zip  
Managing Agent's Name Address

**6. Additional Statements** (The following statements are for tax-exempt status in California.)

- a. The specific purpose of this corporation is to \_\_\_\_\_.
- b. Notwithstanding any of the above statements of purposes and powers, this corporation shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the specific purpose of this corporation.









---

## Sample J

### Unincorporated Association Other than Exclusively Religious under R&TC Section 23701d

The creating document must contain:

1. The name of the organization.
2. The specific and primary purpose of the organization.
3. A statement indicating that the organization is organized for nonprofit purposes and that the individual members will not derive profit therefrom.  
The following is acceptable:  
This organization is a nonprofit public benefit organization and is not organized for the private gain of any person.
4. A political limitation clause. The following is acceptable:  
No substantial part of the activities of this organization shall consist of carrying on propaganda or otherwise attempting to influence legislation, and the organization shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.
5. A dedication clause. The following is acceptable:  
The property of this organization is irrevocably dedicated to charitable purposes and no part of the net income or assets of this organization shall ever inure to the benefit of any director, officer, or private person.
6. A dissolution clause. The following is acceptable:  
Upon the dissolution or winding up of the organization, its assets remaining after payment, or provision for payment, of all debts and liabilities of this organization shall be distributed to a nonprofit fund, foundation, or corporation, which is organized and operated exclusively for charitable purposes and which has established its tax-exempt status under Internal Revenue Code Section 501(c)(3).

---

## Sample K

### Unincorporated Association Civic league, social welfare, local association of employees under R&TC Section 23701f

The creating document must contain:

1. The name of the organization.
2. The specific and primary purpose of the organization. The following is acceptable:  
The specific purpose of this organization is to \_\_\_\_\_ within the meaning of Revenue and Taxation Code Section 23701f.
3. A statement indicating that the organization is organized for nonprofit purposes and that the individual members will not derive profit therefrom.  
The following is acceptable:  
This organization is a nonprofit public benefit organization and is not organized for the private gain of any person.
4. A dedication clause. The following is acceptable:  
The property of this organization is irrevocably dedicated to social welfare purposes and no part of the net income or assets of this organization shall ever inure to the benefit of any director, officer, or private person.
5. A dissolution clause. The following is acceptable:  
Upon the dissolution or winding up of the organization, its assets remaining after payment, or provision for payment, of all debts and liabilities of this organization shall be distributed to a nonprofit fund, foundation, or corporation, which is organized and operated exclusively for social welfare purposes and which has established its tax-exempt status under Internal Revenue Code Section 501(c)(4).

---

## Sample L

### Unincorporated Association War veterans under R&TC Section 23701w

The creating document must contain:

1. The name of the organization.
2. The specific and primary purpose of the organization. The following is acceptable:  
The specific purpose of this organization is to \_\_\_\_\_ within the meaning of Revenue and Taxation Code Section 23701w.
3. A statement indicating that the organization is organized for nonprofit purposes and that the individual members will not derive profit therefrom.  
The following is acceptable:  
This organization is a nonprofit public benefit organization and is not organized for the private gain of any person.
4. The property of the organization is irrevocably dedicated to war veterans purposes within the meaning of Internal Revenue Code Section 501(c)(19) and assets of this organization shall never inure to the benefit of any private persons.
5. Upon the dissolution or winding up of the organization, all assets remaining after payment, or provision for payment, of all debts and liabilities of this organization, shall be distributed to a nonprofit fund, foundation or corporation which is organized and operated exclusively for war veterans purposes and which has established its tax-exempt status under Internal Revenue Code Section 501(c)(19).
6. Notwithstanding any of the above statements of the purposes and powers, this association shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the specific purposes of the association.

---

## **Sample M**

### **Unincorporated Association under other sections**

The creating document must contain:

1. The name of the organization.
2. The specific and primary purpose of the organization. The following is acceptable:  
The specific purpose of this organization is to \_\_\_\_\_ within the meaning of Revenue and Taxation Code Section 23701\_\_\_\_.
3. A statement indicating that the organization is organized for nonprofit purposes and that the individual members will not derive profit from the organization. The following is suggested:  
The organization does not contemplate pecuniary gain or profit to the members thereof and is organized for nonprofit purposes.
4. A limitation clause. The following is acceptable:  
Notwithstanding any of the above statements of purposes and powers, this organization shall not, except to an insubstantial degree engage in any activities or exercise any powers that are not in furtherance of the specific purpose of this organization.

## Automated Phone Service

Use our automated phone service to get recorded answers to many of your questions about California taxes and to order current year California Business Entity tax forms and publications. This service is available in English and Spanish to callers with touch-tone telephones. Have paper and pencil ready to take notes.

Telephone: 800.338.0505 from within the United States  
916.845.6500 from outside the United States

## Where to get General Tax Information

**By Internet** – You can get answers to Frequently Asked Questions at [ftb.ca.gov](http://ftb.ca.gov).

**By Phone** – You can hear recorded answers to Frequently Asked Questions 24 hours a day, 7 days a week. Call our automated phone service at the number listed above. Select “Business Entity Information,” then select “Frequently Asked Questions.” Enter the 3-digit code, listed below, when prompted.

### Code – Prefiling Assistance

715 – If my actual tax is less than the minimum franchise tax, what figure do I put on the **Tax** line on Form 100 or Form 100W?

717 – What are the current tax rates for corporations?

718 – How do I get an extension of time to file?

722 – When does my corporation file a short period return?

734 – Is my corporation subject to a franchise tax or income tax?

### S corporations

704 – Is an S corporation subject to the minimum franchise tax?

705 – Are S corporations required to file estimated payments?

706 – What forms do S corporations file?

707 – The tax for my S corporation is less than the minimum franchise tax. What figure do I put on the **Tax** line on Form 100S?

### Exempt Organizations

709 – How do I get tax-exempt status?

710 – Does an exempt organization have to file Form 199?

735 – Does an exempt organization have to file FTB 199N, California e-Postcard?

736 – I have exempt status. Do I need to file Form 100 or Form 109 in addition to Form 199?

### Minimum Tax and Estimate Tax

712 – What is the minimum franchise tax?

714 – My corporation is not doing business; does it have to pay the minimum franchise tax?

### Billings and Miscellaneous Notices

723 – I received a bill for \$250. What is this for?

### Dissolution

724 – How do I dissolve my corporation?

### Miscellaneous

700 – Who do I need to contact to start a business?

701 – I need a state Employer ID number for my business. Who do I contact?

703 – How do I incorporate?

737 – Where do I send my payment?

## Letters

If you write to us, be sure your letter includes the California corporation number, or FEIN, your daytime and evening telephone numbers, and a copy of the notice. Send your letter to:

EXEMPT ORGANIZATIONS UNIT MS F120  
FRANCHISE TAX BOARD  
PO BOX 1286  
RANCHO CORDOVA CA 95741-1286

We will respond to your letter within ten weeks. In some cases we may need to call you for additional information. **Do not** attach correspondence to your tax return unless it relates to an item on the return.

## Your Rights As A Taxpayer

The FTB’s goals include making certain that your rights are protected so that you have the highest confidence in the integrity, efficiency, and fairness of our state tax system. FTB 4058, California Taxpayers’ Bill of Rights, includes information on your rights as a California taxpayer, the Taxpayers’ Rights Advocate Program, and how you request written advice from the FTB on whether a particular transaction is taxable. See “Where to Get Tax Forms and Publications,” below.

## Where to Get Tax Forms and Publications

**By Internet** – You can download, view, and print California tax forms and publications at [ftb.ca.gov/forms](http://ftb.ca.gov/forms).

**By phone** – You can order current year California tax forms from 6 a.m. to 10 p.m. weekdays, 6 a.m. to 4:30 p.m. Saturdays, except holidays. See the list in the next column and find the code for the form you want to order. Call 800.338.0505 and follow the recorded instructions.

Allow two weeks to receive your order. If you live outside of California allow three weeks to receive your order.

### Code

817 – California Corporation Tax Forms and Instructions. This booklet includes: Form 100, California Corporation Franchise or Income Tax Return

814 – Form 109, California Exempt Organization Business Income Tax Return

815 – Form 199, Exempt Organization Return

818 – Form 100-ES, Corporation Estimated Tax

802 – FTB 3500, Exemption Application

831 – FTB 3500A, Submission of Exemption Request

943 – FTB 4058, California Taxpayer’s Bill of Rights

**In person** – Most post offices and libraries provide free California tax booklets during the filing season.

Employees at libraries and post offices cannot provide tax information or assistance.

**By mail** – Write to:

TAX FORMS REQUEST UNIT  
FRANCHISE TAX BOARD  
PO BOX 307  
RANCHO CORDOVA CA 95741-0307

## General Phone Service

Telephone assistance is available year-round from 7 a.m. until 5 p.m. Monday through Friday, except holidays. Hours subject to change.

Telephone: 800.852.5711 from within the United States  
916.845.6500 from outside the United States

TTY/TDD: 800.822.6268 for persons with hearing or speech disability  
711 or 800.735.2929 California relay service

### Asistencia en español

Asistencia telefónica está disponible durante todo el año desde las 7 a.m. hasta las 5 p.m. de lunes a viernes, excepto días feriados. Las horas están sujetas a cambios.

Teléfono: 800.852.5711 dentro de los Estados Unidos  
916.845.6500 fuera de los Estados Unidos

TTY/TDD: 800.822.6268 para personas con discapacidades auditivas o del habla  
711 ó 800.735.2929 servicio de relevo de California

