

# Submission of Exemption Request

Exemption Based on Internal Revenue Code (IRC) Section 501(c)(3) Federal Determination Letter

## 3500A

Enclose a copy of the Federal Determination Letter.

Corporation number/Secretary of State file number	FEIN
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Name of organization as shown in the creating document \_\_\_\_\_

Address (suite, room, or PMB no.)	Daytime telephone number (     )     -     -     -     -     -     -
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City	State	ZIP Code
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Name of representative to contact regarding additional requirements or information	Daytime telephone number (     )     -     -     -     -     -     -
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Representative's mailing address (suite, room, or PMB no.) \_\_\_\_\_

City	State	ZIP Code
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### Part I — Purpose and Activity

1 Check the organization's primary purpose and activity:

- |   |                                      |  |  |                                 |
|---|--------------------------------------|--|--|---------------------------------|
| <input type="checkbox"/> Charitable                 | <input type="checkbox"/> Educational | <input type="checkbox"/> Religious                 | <input type="checkbox"/> Church                        | <input type="checkbox"/> School |
| <input type="checkbox"/> Prevent cruelty to animals | <input type="checkbox"/> Literary    | <input type="checkbox"/> Hospital                  | <input type="checkbox"/> Medical center                |                                 |
| <input type="checkbox"/> Health care center         | <input type="checkbox"/> Scientific  | <input type="checkbox"/> Testing for public safety | <input type="checkbox"/> Qualified sports organization |                                 |

2 Annual accounting period (must end on last day of the month) . . . . . \_\_\_\_\_

### Part II — Entity Information

Check the boxes that apply:

1 Entity type:  Corporation  Association  Trust

2 Does the IRS consider the organization a private foundation? . . . . .  Yes  No

3 Organizational Structure:  Public benefit  Mutual benefit  Religious  Foreign corporation (State of incorporation) \_\_\_\_\_

If a foreign corporation, enter date the organization started in California \_\_\_\_\_

4 Has the IRS ever suspended, revoked or audited the organization? . . . . .  Yes  No

If "Yes," explain \_\_\_\_\_

### Part III — Group Exemption. See instructions

Is the organization applying for a group exemption? . . . . .  Yes  No

If "Yes," attach the federal group determination letter and a list of all California subordinates. Include each subordinate's name, corporation number, FEIN, and address.

Mail form FTB 3500A and all documents to:  
 EXEMPT ORGANIZATIONS UNIT, MS F120, FRANCHISE TAX BOARD, PO BOX 1286, RANCHO CORDOVA CA 95741-1286.

**Under penalties of perjury, I declare I have examined this submission for exemption based on the IRC Section 501(c)(3) federal determination letter, and to the best of my knowledge and belief, it is true, correct, and complete.**

_____	_____	_____
DATE	SIGNATURE OF OFFICER OR REPRESENTATIVE	TITLE

# Instructions for Form FTB 3500A

## Submission of Exemption Request

Exemption Based on IRC Section 501(c)(3) Federal Determination Letter

References in these instructions are to the Internal Revenue Code (IRC) as of **January 1, 2009**, and to the California Revenue and Taxation Code (R&TC).

### General Information

All corporations and unincorporated organizations, even if organized on a nonprofit basis, are subject to California corporation franchise or income tax until the organization applies for and receives an Exempt Determination or Exempt Acknowledgement letter under California law. The organization must use either form FTB 3500, Exemption Application, or form FTB 3500A, Submission of Exemption Request, with a copy of the organization's Internal Revenue Code (IRC) Section 501(c)(3) federal determination letter. If the organization submits form FTB 3500A, the Franchise Tax Board (FTB) will send the organization a letter acknowledging receipt and specifying the effective date of the organization's exemption under California law.

#### Disclosure of Application Materials

Until the FTB acknowledges 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 acknowledged, 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.

### A Purpose

Use form FTB 3500A, to obtain California tax-exempt status, if the organization has a federal determination letter granting exemption under IRC Section 501(c)(3).

### B What and Where to File

Send the completed form FTB 3500A, with an original signature of an authorized individual, such as:

- An elected officer
- A director
- An authorized representative
- A trustee (if the organization is a trust)

Mail form FTB 3500A, with a copy of the IRC Section 501(c)(3) federal determination letter to:

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

If additional information is required, we will contact the officer or representative designated on form FTB 3500A.

If you have questions about form FTB 3500A call 916.845.4171.

### C Incorporated and Unincorporated Organizations

Incorporated or unincorporated organizations that want to obtain California tax-exempt status must file form FTB 3500A. See General Information B, What and Where to File, for more information.

An unincorporated organization that has tax-exempt status and then incorporates must reapply for California tax-exempt status.

### D Incorporating in California

If the organization is not incorporated and wishes to do so, the organization should first incorporate, then file form FTB 3500A to obtain California tax-exempt status. See General Information B, What and Where to File, for more information.

### To incorporate in California, mail the following to the California Secretary of State (SOS):

1. The original plus three copies of the articles of incorporation.
2. A \$30 check payable to the "California Secretary of State" for the fees for filing the articles of incorporation.

The SOS will certify up to two copies of the filed document without charge, provided the copies are submitted with the document to be filed. Additional certified copies cost \$8 each.

DOCUMENT FILING SUPPORT UNIT  
SECRETARY OF STATE  
PO BOX 944260  
SACRAMENTO CA 94244-2600

#### Do not send form FTB 3500A, to the SOS.

If the proposed articles satisfy the requirements of the California Corporations Code, the SOS will endorse and file the original articles of incorporation, and return endorsed copies back to the corporation.

If the proposed articles do not satisfy the requirements of the California Corporations Code, the SOS will notify the organization of the failure and how to remedy it. For more information go to [sos.ca.gov](http://sos.ca.gov) or call 916.657.5448.

The articles of incorporation must not only meet the requirements of the California Corporations Code, they must also meet the requirements of California Revenue & Taxation Code (R&TC) Section 23701.

### E Foreign Corporations

If the organization is incorporated in another state or country, it is considered a "foreign corporation."

The organization may qualify to do business in California if it complies with the California Corporations Code requirements.

#### To qualify to do business in California:

1. Follow the instructions to incorporate (General Information D, Incorporating in California), and submit the following in lieu of the articles of incorporation, to the SOS:
  - A certificate of good standing from the state or country having custody of the original articles.
  - A completed Statement and Designation by Foreign Corporation (available on request from the SOS).
2. If the organization meets the requirements of the California Corporations Code, the SOS will file the original Statement and Designation by Foreign Corporation, endorse any copies, and issue a Certificate of Qualification to the organization.

### F Trusts

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

### G Retroactive Exempt Status

For California franchise and income tax purposes, organizations seeking exemption based on their determination under IRC Section 501(c)(3) will be tax-exempt for state purposes on the same day of the federal determination. If the entity's incorporation date is prior to the federal determination date consider filing a form FTB 3500.

We may consider this form as a claim for refund if you are subsequently found to be tax-exempt during the same period that you 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.



## H Group Exemption

Parent organizations requesting group exemption for their subordinates complete PART III of this form.

If the parent organization does not want to obtain group exemption, but wants tax-exempt status for specific subordinates, have each subordinate send the following:

- Form FTB 3500A, Submission of Exemption Request, with subordinate's name on the form.
- A copy of parent organization's group ruling letter from the Internal Revenue Service (IRS), or a letter from the IRS to the subordinate that indicates the subordinate is covered under the parent organization's IRS group exemption.
- A letter from the parent organization on their letterhead indicating the entity is a subordinate of their organization.

## I Suspended/Forfeited Status

An organization must be active and in good standing to obtain tax-exempt status. If your 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 your organization relief from suspension or forfeiture under R&TC Section 23776.

If the corporation is suspended/forfeited with the SOS, send form FTB 3557E, Application for Certificate of Revivor. The FTB will send the requirements stating which documents to file or balance due the corporation must pay to revive to good standing. If the entity does not revive, the FTB may revoke the tax-exempt status.

## J Filing Requirements

California tax-exempt organizations may have to file one or more of the following returns:

- Form 199, California Exempt Organization Annual Information Return.
- FTB 199N, Annual Electronic Filing Requirement for Small Exempt Organizations, (California e-Postcard).
- Form 109, California Exempt Organization Business Income Tax Return.

For detailed information about state filing requirements, fees, and penalties, see FTB Pub. 1068, Exempt Organizations – Filing Requirements and Filing Fees. Go to [ftb.ca.gov](http://ftb.ca.gov) and search for **1068**.

### Form 199, California Exempt Organization Annual Information Return

The requirement to file Form 199 is generally based on the normal amount of total gross receipts and pledges. Organizations with gross receipts/pledges that are normally \$25,000 or less are required to electronically file FTB 199N, California e-Postcard. Go to [ftb.ca.gov](http://ftb.ca.gov) and search for **199N**.

The organization's filing requirement depends on normal gross receipts:

Normal gross receipts	File
Gross receipts normally \$25,000 or less*	FTB 199N
Gross receipts more than \$25,000	Form 199
Private foundation (regardless of gross receipts)	Form 199
Nonexempt charitable trusts described in IRC Section 4947(a)(1) (regardless of gross receipts)	Form 199

\*Organizations eligible to file the FTB 199N may choose to file Form 199.

"Normally \$25,000 or less" means if the organization has been:

In existence for	And received Gross Receipts/ Pledges of
1 year or less	\$37,500 or less
More than 1 year but less than 3 years	\$30,000 or less (average for current year and immediately preceding year)
3 years or more	\$25,000 or less (average for current year and immediately preceding 2 prior years)

**Private foundations** must file a completed Form 199 and pay the applicable filing fee. However, they may furnish a completed side 1 of Form 199 and provide one of the following substitute information for Part II:

1. A complete copy of federal Form 990-PF, Return of Private Foundation or Section 4947(a)(1) Trust Treated as a Private Foundation, with appropriate schedules.
2. A complete copy of the current report filed with the Registry of Charitable Trusts (including federal Form 990, Return of Organization Exempt From Income Tax).

### Form 109, California Exempt Organization Business Income Tax Return

Generally, a tax-exempt organization files Form 109 when its income exceeds \$1,000 from a trade or business unrelated to its exempt purposes, even if the profits are used for exempt purposes. For more information, go to [ftb.ca.gov](http://ftb.ca.gov) and search for **109**.

### Receipts and Expenses Statement

To help FTB classify the organization's account properly, the organization may attach a receipts and expenses statement to form FTB 3500A for each year the organization has been in business in California. The organization may complete the receipts and expenses statement on page 4.

## Specific Line Instructions

Provide the following:

- California Corporation number (seven digits) or California SOS file number (12 digits)
- Federal Employer identification number (FEIN)
- Organization name as shown in the organization's creating document
- Address

**Private Mail Box (PMB)** – Include PMB number in the address field. Write "PMB" first, then the box number. Example: 111 Main Street PMB 123.

## PART I — Purpose and Activity

### Line 1 – Primary purpose and activity

Check the box that matches the purpose and activity as allowed in the federal determination letter.

### Line 2 – Accounting period

Enter the organization's annual accounting period. The accounting period must end on the last day of the month.



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## **PART II — Entity Information**

### **Line 1 – Entity type**

Check the box for the exempt organization's entity type.

- Corporation: The entity has endorsed articles of incorporation from the SOS, or is a foreign entity that has articles of incorporation on file in another state or country.
- Association: The entity is not incorporated in California, another state or country.
- Trust: A trust may be created by language in a will or in a written trust instrument. The trust creates legal obligations for the person (trustee) who manages the assets of the trust.

### **Line 2 – Private foundation**

Check the box if the IRS considers the organization a private foundation.

### **Line 3 – Organizational structure**

Check the box that describes your organizational structure.

- Public Benefit: A public benefit corporation must be formed for public or charitable purposes and may not be organized for the private gain of any person. A public benefit corporation cannot distribute profits, gains or dividends to any person.
- Mutual Benefit: A corporation that is organized most often for the benefit of their own members. They may not be formed exclusively for charitable purposes. If a mutual benefit corporation holds some of its assets for charitable purposes, it must register and report on the charitable assets to the Attorney General of the State of California.
- Religious: Corporations that are organized for religious purposes.
- Foreign Corporation: Incorporated in another state or country.  
Give the name of the state or foreign country in which the entity is incorporated, and enter the date the organization began business in California.

### **Line 4 – IRS information**

If your entity was suspended, revoked, or audited by the IRS, check the "Yes" box and explain the reason for the suspension, revocation, or audit by the IRS.

## **PART III — Group Exemption**

The parent organization must have California tax-exempt status before it can apply for group exemption.

### **List of subordinates**

Include a list of subordinates to be covered under the group exemption. The list must include:

- Name of subordinate
- California corporation number
- Federal employer identification number
- Address

# Receipts and Expenses Statement

The statement below represents the basic financial details. The organization may substitute its own receipts and expenses statement, or statements, but the details **must** be complete as indicated in this statement.

**Details must include:**

- If this is the organization’s first year of operation, and/or the organization has no prior financial activity, provide a proposed budget for the entire first year of operation. The proposed budget should be based on the organization’s most reasonable expectations.

	Calendar or Fiscal Year Ending				Total
	Current year	Three preceding years for each year in existence			
<b>RECEIPTS</b>	_____	_____	_____	_____	
Gifts . . . . .					
Grants . . . . .					
Contributions received . . . . .					
Fundraising . . . . .					
Membership income . . . . .					
Other business income . . . . .					
Gross investment income . . . . .					
Gross royalty income . . . . .					
Gross rental income . . . . .					
Gross receipts from admissions . . . . .					
Gross receipts from commissions . . . . .					
Gross receipts from sale of merchandise . . . . .					
Gross receipts from services provided . . . . .					
Gross receipts from furnishing of facilities . . . . .					
Gain or loss from sale of capital assets . . . . .					
Other income (attach sheet itemizing each type) . . . . .					
<b>TOTAL RECEIPTS</b>					
<b>EXPENSES</b>					
Fundraising . . . . .					
Contributions, gifts, grants, and similar amounts paid . . . . .					
Disbursements to or for member benefit . . . . .					
Compensation of officers . . . . .					
Compensation of directors . . . . .					
Compensation of trustees . . . . .					
Rental expenses . . . . .					
Other salaries and wages . . . . .					
Occupancy (rents) . . . . .					
Other (including all operational and administrative expenses – attach sheet) . . . . .					
<b>TOTAL EXPENSES</b>					
Excess of receipts over expenses . . . . .					

# How to Get California Tax Information

(Keep this page for future use.)

## Automated Phone Service

Use our Automated Phone Service to get recorded answers to many of your questions about California taxes and to order 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.

Call from within the United States 800.338.0505  
Call from outside the United States 916.845.6500

## 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 line 23 of 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 line 22 of 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?

### Miscellaneous

- 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 F-120  
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

Our goal includes 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 Pub. 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.

## Where to Get Tax Forms and Publications

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

**By Phone** – You can order California tax forms from 6 a.m. to 10 p.m. weekdays, 6 a.m. to 4:30 p.m. Saturdays, except holidays. Call our automated phone service at the number listed above. Select “Business Entity Information,” then select “Forms and Publications.” Follow the recorded instructions and enter the 3-digit code, listed below, when prompted. To order prior year forms, call the number listed under “Assistance.”

Allow two weeks to receive your order. If your corporation’s mailing address is outside California, allow three weeks.

### 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, California Exempt Organization Annual Information Return
- 818 – Form 100-ES, Corporation Estimated Tax
- 802 – FTB 3500, Exemption Application
- 831 – FTB 3500A, Submission of Exemption Request
- 943 – FTB Pub. 4058, California Taxpayers’ Bill of Rights

**By Mail** – Write to:

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

### Internet and Telephone Assistance

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

- Website: [ftb.ca.gov](http://ftb.ca.gov)
- 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 impairments
- IRS: 800.829.1040 call the IRS for federal tax questions

### Asistencia Por Internet y Teléfono

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

- Sitio web: [ftb.ca.gov](http://ftb.ca.gov)
- Teléfono: 800.852.5711 dentro de los Estados Unidos  
916.845.6500 fuera de los Estados Unidos
- TTY/TDD: 800.822.6268 personas con discapacidades auditivas y del habla
- IRS: 800.829.1040 llame al IRS para preguntas sobre impuestos federales

