



CT-247
(8/10)

Staple forms here

New York State Department of Taxation and Finance

Application for Exemption from Corporation Franchise Taxes by a Not-for-Profit Organization

| | | | | | | |
|--|---|-----------------------------------|--|-------|----------------------------|----------|
| Mailing name and address | Legal name of corporation | | Employer identification number | | <i>For office use only</i> | |
| | Mailing name (if different from legal name) | | | | | |
| | c/o | | | | | |
| | Number and street or PO box | | City | State | | ZIP code |
| Principal business activity | | | Date tax exemption claimed from | | <i>For audit use only</i> | |
| Form of organization (mark an X in the appropriate box) Corporation <input type="checkbox"/> Association <input type="checkbox"/> Trust <input type="checkbox"/> Other <input type="checkbox"/> | | | Business/officer telephone number () | | | |
| Date of formation | | State or country of incorporation | | | | |
| Taxable <input type="checkbox"/> Exempt <input type="checkbox"/> | | | | | | |
| Indicate exact name of the law under which the entity was formed (general corporation, not-for-profit, membership, etc.). Cite statutory provisions. | | | | | | |

Federal return was filed on (mark an X in one): Form 990 Form 990-T Form 1120 Other:

For lines 1 through 7, mark an X in the Yes or No box

- 1 Is the entity organized and operated as a not-for-profit organization? Yes No
- 2 Is the entity authorized to issue capital stock? (If Yes, also mark an X in the appropriate box below.) Yes No
 Title holding company Collective investment Other: _____
 List shareholders: _____
- 3 Does any part of the net earnings of the organization benefit any officer, director, or member? Yes No
- 4 Does the entity meet the qualifications for exemption from federal income tax? (See General information on page 2.) Yes No
 If No, **stop**. You do not qualify as an exempt organization.
- 5 Did the entity apply for federal exemption? Yes No
 If Yes, indicate date of exemption _____. Attach a copy of your federal exemption letter.
- 6 Is the entity engaged in an unrelated business activity at a location in New York State? Yes No
- 7 Is the entity operating as a trust under Internal Revenue Code (IRC) section 401(a) and exempt from federal income tax under IRC section 501(a)? Yes No
- 8 List location and type of activity for each office and other places of business (attach separate sheet if necessary).

| Location | Nature of activity |
|----------|--------------------|
| | |
| | |
- 9 List officers, employees, agents, and representatives in New York State and briefly describe their duties (attach separate sheet if necessary).

| Name | Title | Duties |
|------|-------|--------|
| | | |
| | | |
- 10 List type and use of real property owned in New York State (attach separate sheet if necessary).

| Type | How used |
|------|----------|
| | |
| | |
- 11 Describe any New York State activities not shown above (attach separate sheet if necessary).

Certification: I certify that this application and any attachments are to the best of my knowledge and belief true, correct, and complete. Willfully filing a false application is a misdemeanor punishable under the Tax Law.

| | | | | | | |
|---|---|--|----------------|--------------------|------------------------|------|
| Authorized person | Signature of authorized person | | Official title | | | |
| | E-mail address of authorized person | | | Date | | |
| Paid preparer use only (see instr.) | Firm's name (or yours if self-employed) | | Firm's EIN | | Preparer's PTIN or SSN | |
| | Signature of individual preparing this application | | Address | | City State ZIP code | |
| | E-mail address of individual preparing this application | | | Preparer's NYTPRIN | | Date |

General information

Certain not-for-profit and religious corporations are exempt from the New York State (NYS) corporation franchise tax imposed by Tax Law Article 9-A (Article 9-A regulations, section 1-3.4(b)(6)). You must file Form CT-247 to apply for exemption.

Generally, a corporation or an organization treated as a corporation must meet **all** of the following requirements to be tax exempt:

- It must be organized and operated as a not-for-profit organization.
- It must **not** have stock, shares, or certificates for stock or for shares. Not-for-profit corporations that issue stock are taxable under Article 9-A. However, for tax years beginning on or after January 1, 1987, title holding companies as described in IRC section 501(c)(2), and collective investment entities as described in IRC section 501(c)(25), are exempt from tax under Article 9-A. For additional information, see TSB-M-87(9)C, *Exemption for Title Holding Companies (THC) and Collective Investment Entities (CIE)*.
- No part of its net earnings may benefit any officer, director, or member.
- It must be exempt from federal income taxation under IRC section 501, subsection (a).

If the organization meets all of the above requirements, it will be presumed to be exempt from tax under Tax Law Article 9-A. An organization denied exemption from taxation under the IRC will be presumed to be subject to tax under Article 9-A.

An organization whose tax exempt status has been revoked and later restored by the Internal Revenue Service (IRS), must file a new application on Form CT-247. The new application must be approved before any tax-exempt status under Article 9-A is restored.

Not-for-profit, nonstock organizations that are subject to the federal tax on unrelated business income are taxable under New York State Tax Law Article 13, if they pursue those unrelated business activities in New York State. File Form CT-13, *Unrelated Business Income Tax Return*, to report those activities.

Organizations required to file federal Form 1120 may be taxable under Article 9-A and may be required to file Form CT-3, *General Business Corporation Franchise Tax Return*, or Form CT-4, *General Business Corporation Franchise Tax Return Short Form*.

When filing Form CT-247, submit all documents granting or denying exemption from tax by the IRS, the corporation's articles of incorporation, and its bylaws. Promptly report any changes in the corporation's federal tax status to the NYS Tax Department.

Any exemption granted by the filing of Form CT-247 is strictly for New York State corporation franchise tax. For federal exemption, contact the IRS.

Any inquiry on the taxable status of an organization must be in writing, signed by an officer of the organization, and mailed to the address below.

Refund of franchise taxes

If the organization paid franchise taxes in error, request a refund by filing an amended return. A housing development fund company must submit proof that it was organized under Private Housing Finance Law Article 11.

Mail this application to:

NYS TAX DEPARTMENT
CORPORATION TAX
W A HARRIMAN CAMPUS
ALBANY NY 12227

Private delivery services

If you choose, you may use a private delivery service, instead of the U.S. Postal Service, to mail in your form and tax payment. However, if, at a later date, you need to establish the date you filed or paid your tax, you cannot use the date recorded by a private delivery service **unless** you used a delivery service that has been designated by the U.S. Secretary of the Treasury or the Commissioner of Taxation and Finance. (Currently designated delivery services are listed in Publication 55, *Designated Private Delivery Services*. See *Need help?* for information on obtaining forms and publications.) If you have used a designated private delivery service and need to establish the date you filed your form, contact that private delivery service for instructions on how to obtain written proof of the date your form was given to the delivery service for delivery.

Signature

The application must be certified by the president, vice president, treasurer, assistant treasurer, chief accounting officer, or other officer authorized by the taxpayer corporation.

The application of an association, publicly traded partnership, or business conducted by a trustee or trustees must be signed by a person authorized to act for the association, publicly traded partnership, or business.

If an outside individual or firm prepared the application, all applicable entries in the paid preparer section must be completed, including identification numbers. Failure to sign the application will delay the processing of any refunds and may result in penalties. (For more information on paid preparer identification numbers, see *Changes for 2010* in Form CT-1.)

Need help? and Privacy notification

See Form CT-1, *Supplement to Corporation Tax Instructions*.
