



Instructions for Form ST-119.2

Application for an Exempt Organization Certificate

All citations are to New York State Tax Law articles and sections unless specifically noted otherwise.

Read these instructions carefully and complete all applicable sections on the form. We cannot process an incomplete application.

Note: In addition to applying for an *Exempt Organization Certificate* to make exempt purchases, if your organization makes sales through a shop or store, or a restaurant, tavern, or other similar establishment, it must register for sales tax purposes and collect and remit sales tax. Also, your organization must register for sales tax purposes and collect and remit sales tax if it makes any of the following sales, whether or not made from a shop or store:

- any lease or rental of tangible personal property;
- any utility service described in § 1105(b);
- any service to real property described in § 1105(c)(5); and
- any tangible personal property where the sale is made by remote means, such as by telephone, mail order (including email), over the Internet, or by other similar methods, provided the sales are made with a degree of regularity, frequency, and continuity.
- Also, if the organization sells parking services or operates a hotel or makes amusement charges, it must register for sales tax purposes and collect and remit tax.
- To register for sales tax purposes, visit the *New York Business Express* at www.businessexpress.ny.gov to obtain a *Certificate of Authority*.

Who should file this form

An organization described in §§ 1116(a)(4), 1116(a)(5), 1116(a)(7), 1116(a)(8), and 1116(a)(9), should file Form ST-119.2 to apply for an *Exempt Organization Certificate*. If the Tax Department issues you an *Exempt Organization Certificate*, you may make tax-exempt purchases.

Certain Indian nations and tribes residing in New York State and their wholly owned entities described in § 1116(a)(6) may also file Form ST-119.2 to apply for an *Exempt Organization Certificate*.

Agencies of the United States and of New York State and its political subdivisions should not use this form. They may make tax-free purchases by presenting vendors with governmental purchase orders.

Units of Scouting America (formerly Boy Scouts of America) and the Girl Scouts of the USA should contact their local councils for the procedures they must follow to establish sales tax exemption.

New York State Tax Law does not provide sales tax exemptions to other states or their political subdivisions.

Where to file

Mail your completed application and all attachments to:

**NYS TAX DEPARTMENT
SALES TAX EXEMPT ORGANIZATIONS UNIT
W A HARRIMAN CAMPUS
ALBANY NY 12227**

Refunds for sales tax previously paid

Once you establish your exempt status, you may be entitled to a refund of sales tax you previously paid if you met the requirements for exemption when the purchases were made. However, if you had to amend documents or change operations to qualify for exemption, you are not entitled to a refund of taxes paid before the effective date of the change.

Use Form AU-11, *Application for Credit or Refund of Sales or Use Tax*, to request a refund. Keep sales slips and invoices to support your claim. Refunds are generally subject to a three-year statute of limitations.

Specific instructions

Enter all applicable information and attach the requested documents. Documents submitted with this application will not be returned, so be sure to keep copies.

Enter the organization's legal name (as it appears in its organizing documents), telephone number, physical address, and mailing address.

Enter the name, title, telephone number, email address, and fax number of the person to contact if we need more information or documentation to make our determination. If the person is someone other than an officer, trustee, governing chief, or member of the ruling body of the organization, this application must be accompanied by a power of attorney executed by an authorized person before we can provide any information on the status of the application to the contact person. Use Form ST-119.4, *Application for an Exempt Organization Certificate - Information Authorization*.

If unincorporated, in *Date formally organized*, enter the date that the organizing documents were formally adopted. If incorporated, enter the date the articles of incorporation were filed with the appropriate government agency.

Enter your employer identification number. (This number is not proof of federal exemption as required on lines 8 and 9 below.)

Line 1a: Mark an **X** in the box on line 1a and any applicable additional boxes to indicate the purpose for which you are claiming exempt status if you are applying under § 1116(a)(4). In addition to being organized for one or more of the listed activities, you must meet the following requirements:

- No part of the organization's net income can benefit private shareholders or individuals.
- The organization cannot, as a substantial part of its activities, attempt to influence legislation. (If you have established federal exemption under Internal Revenue Code (IRC) § 501(c)(3), that section will govern the extent of legislative activities permissible. If not, the Tax Department will make the determination.)
- The organization cannot participate, directly or indirectly, in political campaigns for or against candidates for public office.
- The organization's assets must be dedicated to its exempt purposes. If it is dissolved or terminated, the assets must be distributed to further one or more exempt purposes or to a federal, state, or local government for a public purpose.
- If organized to foster national or international amateur sports competition, the organization may not provide athletic facilities or equipment unless it is an amateur sports organization organized and operated primarily to support and develop amateur athletes for, or to conduct, national or international sports competition.

Line 1b: Mark an **X** in the box and indicate the percentages of each type of member if you are applying under § 1116(a)(5). At least 75% of the organization's membership must fall within the first category listed. In addition, you must be organized in New York State, and no part of the organization's earnings can benefit private shareholders or individuals.

Auxiliary units, societies of, or trusts or foundations for posts or organizations may also qualify as exempt organizations if they show that they were created by and are affiliated with an organization already exempted by the Tax Department. Attach a copy of the federal determination letter confirming your IRC § 501(c)(19) exemption.

Line 1c: Mark an **X** in the box if you are an Indian nation or tribe residing in New York State. This form must be signed by the governing chief or member of the ruling body of the Indian nation or tribe. No additional documentation is required.

Line 1f: Mark an **X** in the box and attach a copy of your federal or New York State charter if you are applying under § 1116(a)(9). **Note:** All state-chartered credit unions, as defined by New York State Banking Law § 2(9), will be exempt from sales tax, regardless of when they were chartered.

Organizations claiming exempt status in boxes 1a, 1b, 1d, 1e, and 1f

Lines 3 through 6: Answer the questions on lines 3 through 6 by marking an **X** in the applicable boxes. Answering Yes to a question will not necessarily disqualify you, but you must attach an explanation.

Line 7: If you answer Yes, attach an explanation of how you meet the criteria of a qualified amateur sports organization as defined in § 1116(f).

Line 8: Mark an **X** in the Yes box and attach a copy of the federal determination letter confirming your IRC § 501(c)(3) exemption if your organization has been granted exemption in its own name under IRC § 501(c)(3). No other documentation is needed; however, we reserve the right to request any additional information necessary to make our determination.

Line 9: Mark an **X** in the Yes box if you are a subunit of an organization that has a group IRC § 501(c)(3) exemption. Attach a copy of the federal determination letter confirming your IRC § 501(c)(3) exemption and one of the following:

- a current letter from the **parent** organization certifying that the subunit is a member of the organization and is included under the IRC § 501(c)(3) exemption, or
- a copy of the **parent** organization's directory of subunits that lists this subunit as one of those covered by the federal exemption.

If your organization has been granted federal exemption under some other IRC section, attach a copy of the federal determination letter confirming your exemption. All attachments are required.

If there is a discrepancy between the name and address as it appears on the federal determination letter and on this application, attach an explanation.

Line 10: To qualify for exempt status, you must be formally organized to conduct exempt activities and you must have organizing documents specifying the activities. Mark an **X** in the appropriate box to indicate your type of organization and attach copies of the required organizing documents including any amendments to them (if you are attaching a copy of the federal determination letter confirming your IRC § 501(c)(3) exemption, you need not attach the organizing documents). Note that these documents cannot be returned.

Line 11: You must also attach the following to your application (unless you are attaching a copy of the federal determination letter confirming your IRC § 501(c)(3) exemption as previously noted):

- Statement of activities: Describe your present and future activities in detail. Do not use general statements or repeat the language of your organizing documents. If you are not fully operational, explain what stage of development you have reached, what remains to be done, and when you will be fully operational.
- Statement of receipts and expenditures
- Statement of assets and liabilities: Assets are all real and personal property; liabilities are all outstanding debts, of any nature.

If you do not have formal financial statements, you may use the following examples as a guide. Bank statements, copies of receipts, invoices, and journal or ledger sheets are **not** acceptable substitutes.

Examples:

Name of Organization
Statement of receipts and expenditures
January 1, XXXX, through December 31, XXXX

Receipts:	
Dues: membership 50 @ \$2.00	\$ 100.00
Contributions:	
Voluntary contributions from members	500.00
Contributions from the public	1,000.00
Funding:	
Department of Recreation	1,000.00
HUD	500.00
(submit copies of pertinent contracts)	
Receipts from fund-raising activities:	
Bake sale	150.00
Dinner dance tickets	600.00
Total receipts	<u>\$3,850.00</u>

Expenditures:	
Fund-raising expenses	
Bank, advertising, food	\$ 300.00
Contributions to:	
Jonesville Fire Co.	50.00
St. Lukes Church	25.00

Operating expenses:	
Electricity	600.00
Telephone	200.00
Fire insurance	300.00
Miscellaneous	50.00
Total expenditures	<u>\$1,525.00</u>

Name of Organization
Statement of assets and liabilities
As of December 1, XXXX

Assets:	
Cash on hand:	\$ 200.00
Cash in bank:	1,500.00
Investments: Stock 10 @ \$50.00	500.00
Office supplies and equipment	300.00
Buildings	20,000.00
Land: 5 acres	2,000.00
Other assets:	
Bus	600.00
Total assets	<u>\$25,100.00</u>

Liabilities:	
Accounts payable	\$ 00.00
Loans payable: Bank of NY	500.00
Mortgage payable:	10,000.00
Other liabilities:	
Electric bill	60.00
Total liabilities	<u>\$10,560.00</u>

Certification

Signature: An officer, trustee, governing chief, or member of the ruling body of the organization must sign and date this application. Be sure you have completed all applicable entries and included true copies of all required documents. We will return any incomplete applications to you. Keep copies of your application and all attachments.

Need help?

Visit our website at **www.tax.ny.gov**

- get information and manage your taxes online
- check for new online services and features

Telephone assistance

Sales Tax Information Center:	518-485-2889
To order forms and publications:	518-457-5431
Text Telephone (TTY) or TDD equipment users	Dial 7-1-1 for the New York Relay Service

Privacy notification

New York State Law requires all government agencies that maintain a system of records to provide notification of the legal authority for any request for personal information, the principal purpose(s) for which the information is to be collected, and where it will be maintained. To view this information, visit our website, or, if you do not have Internet access, call and request Publication 54, *Privacy Notification*. See *Need help?* for the Web address and telephone number.