

# Instructions for Form ST-119.2 Application for an Exempt Organization Certificate

ST-119.2-I  
(2/98)

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

## Who should file this form

If you wish to claim tax-exempt status under section 1116(a)(4) or 1116(a)(5) of the Tax Law, you may use Form ST-119.2 to apply for an *Exempt Organization Certificate*, which will allow you to make tax-exempt purchases and may allow you to make tax-exempt sales. If you make sales through a shop, store, restaurant, tavern, or similar establishment, you must register as a vendor and collect and pay sales tax.

To qualify under section 1116(a)(4), you must meet the requirements shown in the instructions for line 1a. To qualify under section 1116(a)(5), you must meet the requirements shown in the instructions for line 1b.

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 the 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:

EXEMPT ORGANIZATIONS  
NYS TAX DEPARTMENT  
W A HARRIMAN CAMPUS  
ALBANY NY 12227-0125

## Refunds for sales tax previously paid

Once you establish your exempt status, you may be entitled to a refund of sales tax you have 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*, to request a refund. Keep sales slips and invoices to support your claim. Refunds are subject to a three-year statute of limitations.

## Specific instructions

Enter all applicable information and attach the requested documents. None of the documents submitted with this application can be returned, so be sure to keep copies.

Enter the organization's name (as it appears in its organizing documents) and mailing address.

Enter the name and telephone number of the person to contact should we need more information or documentation to make our determination. If the person is someone other than a trustee, officer, or member of the organization, this application must be accompanied by a power of attorney executed by an officer 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 Power of Attorney*.

If unincorporated, enter the date organized (the date of members' formal adoption of organizing documents). If incorporated, enter the date the articles of incorporation were filed with the appropriate government agency.

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

**Line 1a** - If you are applying under section 1116(a)(4), check the box on line 1a and additional boxes to indicate the purpose for which you are claiming exempt status. 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 section 501 of the Internal Revenue Code (IRC), that section will govern the extent of legislative activities permissible. If not, the department will make the determination.)
- The organization cannot participate in political campaigns for or against candidates for public office.
- The organization's assets must be dedicated to its exempt activity. If it is dissolved or terminated, the assets will be distributed to further the exempt activity or to a federal, state, or local government.
- If organized to foster national or international 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** - If you are applying under section 1116(a)(5), check the box on line 1b and indicate the percentages of each type of member. 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 of posts or organizations 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.

**Line 2** - If you are registered as a vendor with the Tax Department, enter the number of your Certificate of Authority.

**Lines 3 through 7** - Answer the questions on line 3 through 7 by checking 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*, indicate in your explanation whether you meet the criteria of a qualified amateur sports organization as defined in section 1116(f).

**Line 8** - If your organization has been granted exemption in its own name under section 501(c)(3) of the IRC, check the *Yes* box and attach a copy of the current exemption letter or ruling.

**Line 9** - If you are a subunit of a central organization with a group 501(c)(3) exemption, check *Yes* and attach the federal determination or ruling letter and one of the following:

- a current letter from the central organization certifying that the subunit is a member of the organization and is included under the federal exemption, or
- a copy of the central organization directory of subunits that lists this subunit as one of those covered by the exemption.

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

If there is a discrepancy between the name and address as it appears on the federal ruling letter and on this application, please explain.

**Line 10** - To qualify for exempt status, you must be formally organized to conduct exempt activities and you must have an organizing document specifying the activities. Check the appropriate box to show your type of organization and attach copies of the organizing documents indicated (if you are attaching a federal 501(c)(3) exemption letter or ruling, you need not attach the organizing documents). Please note that these documents cannot be returned.

**Line 11** - You must also attach the following to your application (unless you are attaching a federal 501(c)(3) exemption letter or ruling 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.
- 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.

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

<b>Receipts:</b>	
Dues: membership 50 @ \$2.00	\$ 100.00
<b>Contributions:</b>	
Voluntary contributions from members	500.00
Contributions from the public	1,000.00
<b>Funding:</b>	
Department of Recreation	1,000.00
HUD	500.00
(submit copies of pertinent contracts)	
<b>Receipts from fund raising activities:</b>	
Bake sale	150.00
Dinner dance tickets	600.00
<b>Total receipts</b>	<u>\$3,850.00</u>
<b>Expenditures:</b>	
<b>Fund raising expenses:</b>	
Bank, advertising, food	\$ 300.00
<b>Contributions to:</b>	
Jonesville Fire Co.	50.00
St. Lukes Church	25.00
<b>Operating expenses:</b>	
Electricity	600.00
Telephone	200.00
Fire insurance	300.00
Miscellaneous	50.00
<b>Total expenditures</b>	<u>\$1,525.00</u>

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

<b>Assets:</b>	
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
<b>Other assets:</b>	
Bus	600.00
<b>Total assets</b>	<u>\$25,100.00</u>
<b>Liabilities:</b>	
Accounts payable	\$ 00.00
Loans payable: Bank of NY	500.00
Mortgage payable:	10,000.00
<b>Other liabilities:</b>	
Electric bill	60.00
<b>Total liabilities</b>	<u>\$10,560.00</u>

Signature — An officer of the organization must sign and date this application. Be sure you have completed all applicable entries and included all required documents. We will return any incomplete applications to you. Keep copies of your application and all attachments.

**Need Help?**

**Telephone Assistance** is available from 8:30 a.m. to 4:25 p.m., Monday through Friday. For tax information, call toll free 1 800 225-5829. To order forms and publications, call toll free 1 800 462-8100. From areas outside the U.S. and Canada, call (518) 485-6800.

**Fax-on-Demand Forms Ordering System** - Most forms are available by fax 24 hours a day, 7 days a week. Call toll free from the U.S. and Canada 1 800 748-3676. You must use a Touch Tone phone to order by fax. A fax code is used to identify each form.

**Internet Access** - <http://www.tax.state.ny.us>  
Access our website for forms, publications, and information.

**Hotline for the Hearing and Speech Impaired** - If you have access to a telecommunications device for the deaf (TDD), you can get answers to your New York State tax questions by calling toll free from the U.S. and Canada 1 800 634-2110. Assistance is available from 8:30 a.m. to 4:15 p.m., Monday through Friday. If you do not own a TDD, check with independent living centers or community action programs to find out where machines are available for public use.

**Persons with Disabilities** - In compliance with the Americans with Disabilities Act, we will ensure that our lobbies, offices, meeting rooms, and other facilities are accessible to persons with disabilities. If you have questions about special accommodations for persons with disabilities, please call the information numbers listed above.

**Mailing Address** - If you need to write, address your letter to: NYS Tax Department, Taxpayer Assistance Bureau, W A Harriman Campus, Albany, NY 12227.

**Privacy Notification**

The right of the Commissioner of Taxation and Finance and the Department of Taxation and Finance to collect and maintain personal information, including mandatory disclosure of social security numbers in the manner required by tax regulations, instructions and forms, is found in Articles 8, 18-A, 28, and 28-A of the Tax Law and 42 USC 405(c)(2)(C)(i).

The Tax Department will use this information primarily to determine and administer sales and use tax liabilities under the Tax Law, and for any other purpose authorized by law.

Failure to provide the required information may result in civil or criminal penalties, or both, under the Tax Law.

This information will be maintained by the Director of the Registration and Data Services Bureau, NYS Tax Department, Building 8 Room 905, W A Harriman Campus, Albany NY 12227; telephone 1 800 225-5829. From areas outside the U.S. and Canada, call (518) 485-6800.