

***Change to Welfare Exemption Claim Filing Requirements – Form Revisions for JCC
Alternative Language/Comments***

NO.	FORM/AREA REFERENCE		SOURCE	PROPOSED/ALTERNATE LANGUAGE/COMMENTS	BOE STAFF POSITION
1	BOE-267	General	California Assessors' Association	Add the word " <u>BUSINESS</u> " to PERSONAL PROPERTY = BUSINESS PERSONAL PROPERTY to all forms and sections.	Not accepted. "Personal property" is general classification of property, which includes business personal property.
2	BOE-267	General	California Assessors' Association	Add the word " <u>LEGAL</u> " to NAME OF ORGANIZATION = LEGAL NAME OF ORGANIZATION to BOE-267 AND BOE-267-O forms and sections	Not accepted. "Name Of Organization" is consistent with the other exemption claim forms.
3	BOE-267	General Top (P1)	California Assessors' Association	Corporate or LLC ID No. (if any); add an additional field to collect "FEIN/EIN" information	Accepted. This could be another form of identification for the organization.
4	BOE-267	P1 Prior Year Filings	California Assessors' Association	Add underlined text: Has the organization filed for the welfare exemption <u>on any property</u> in this county in prior years?	Accepted.
5	BOE-267	P1 Section 1a	California Assessors' Association	Add underlined text: ADDRESS OF PROPERTY (number and street, <u>including suite/unit number if applicable</u>) Remove State and zip code	Accepted. Accepted. Staff will also remove this language in the instructions.

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6	BOE-267	P1 Section 1d	California Assessors' Association	<p>Add underlined text: d. Property owned by the claimant for which claimant seeks exemption: <u>(check applicable boxes)</u></p> <p>Delete: 1b, 1c and 1d from Section 1 and add: <u>1b, 1c and 1d to Section 2</u></p>	<p>Accepted.</p> <p>Not accepted.</p> <p>Information requested in 1b, 1c, and 1d pertain to the entire location, which may include real property or personal property owned by the claimant. Section 2, the suggested location, only applies to real property.</p>

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9	BOE-267	P1 Section 2b, 2c	California Assessors' Association	Delete: 2b and 2c from Section 2 and add: 2b and 2c to Section 1	Not accepted. The claimant may only be applying for personal property it owns at the location. Section 1(d) asks the claimant to identify what type of property it seeks exemption. Sections 2, 3, and 4 ask for details on the type of property.
10	BOE-267	P1 Section 2d	California Assessors' Association	Add underlined text: d. <u>Describe</u> Primary and incidental use of the property d. Primary and incidental use of the property	Accepted. Also add "Describe" to 3b and 4c for consistency. Not accepted. Bold text in this section is to identify the different types of real property. Bolding other areas results in an inconsistent format.
11	BOE-267	P1 Section 2, Real Property	Orange County Assessor's Office (L. Flores)	d. Primary and incidental use of the property: Please BOLD . This question is usually left unanswered.	Not accepted. See staff response to item #10. As to comment of being unanswered, the instructions to BOE-267 state that all questions must be answered. If the claimant doesn't provide the information on the claim, the assessor should request it.

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12	BOE-267	P1 Section 2e	California Assessors' Association	<p>Replace the text in section 2e with the following: Real property leased, rented, or used by others (since January 1 of the prior year)</p> <p>Is any portion of the real property identified under Section 1 used or operated by some person or organization other than the claimant? Check Yes or No. If yes, please submit BOE-267-O. Failure to submit BOE-267-O may result in the claim being denied</p> <p><i>BOE current (unmodified) language from BOE draft included with the LTA:</i></p> <p><i>e. Real property leased, rented, or used by others (since January 1 of the prior year)</i></p> <p><i>Is any portion of the real property identified under Section 1 used or operated part-time or full-time by some other person or organization?</i></p> <p><i><input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, provide a list including the name of user, frequency of use, and square footage used. If the property is operated or used more than once a week by another organization, submit BOE-267-O; if the property is used by a person or organization once a week or less, attach a description of that portion of the property, its use, the amount received by you (if any), and a copy of the lease or agreement.</i></p>	<p>Accepted in part with modification.</p> <ul style="list-style-type: none"> • Under section 2e, "used or operated part-time or full-time by some person or organization other than the claimant?" • Modify "Failure to submit" language by adding the following language to the instructions on (P4) under "Completion of Claim Form". "Failure to answer all questions and provide requested information may result in denial of your claim." <p>As to portion not accepted:</p> <p>Claimant is not required to report information on all users on BOE-267-O; only those who use the property more than once a week.</p> <p>Existing language on BOE-267 requests the owner claimant identify all users of the property, frequency of use, etc., and asks for completion of BOE-267-O, if any user operates the property more than once a week.</p> <p>Note: those who use the property once a week or less are permitted to have certain tax exempt status beyond IRC 501(c)(3) and R&TC 23701d per R&TC section 214(a)(3)(D).</p>

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13	BOE-267	Section 2	Exempt Organizations Committee Taxation Section of the State Bar of California (M. Clausen)	It is not clear on the face of the Form 267 that the claimant must submit a copy of the tax exempt status letter of each organizational “user.” In our experience, it is common for people filling out forms to focus on the face of the form and not read the instructions carefully, so stating this requirement clearly on the face of the form will likely reduce the number of incomplete claims submitted.	Accepted. The claimant must submit the tax exempt status letter for each operator with BOE-267-O. Staff has updated BOE-267-O to include a note which states that the claimant must attach each operator's tax exempt status letter, if not submitted previously. Also, staff proposes the following addition at end of the last sentence in section 2e, "a copy of the lease or agreement, and for organizations, its tax exempt status letter issued by the Internal Revenue Service or the FTB.
14	BOE-267	P1 Section 3b	California Assessors' Association	Bold: b. Primary and incidental use of the property	Not accepted. See staff response to item #10.
15	BOE-267	P1 Section 3, Personal Property	Orange County Assessor's Office (L. Flores)	b. Primary and incidental use of the property: Please BOLD . This question is usually left unanswered.	Not accepted. See staff response to items #10 and #11.

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16	BOE-267	P1 Section 3c, Personal Property	California Assessors' Association	<p>Add underlined text: c. <u>Business</u> Personal property <u>owned by the claimant that is</u> leased, rented, or used by others (since January 1 of the prior year)</p> <p>Is any portion of the personal property identified under Section 3 used or operated by another party?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, attach a description of the property, <u>name of the user</u>, its use, the amount received by you (if any), and a copy of the lease or agreement</p>	<p>Accepted, in part:</p> <ul style="list-style-type: none"> • Adding "owned by the claimant that is" • Adding "name of user": consistent with section 2. <p>As to portion not accepted, see staff response to item #1.</p>
17	BOE-267	P1 Section 3d	California Assessors' Association	<p>Add underlined text: d. <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, attach a list of the equipment and other <u>business personal</u> property, <u>description of property, and name of who you lease/rent the property from.</u></p> <p><i>BOE current (unmodified) language from BOE draft included with the LTA:</i></p> <p><i>d. Equipment leased or rented from another person or entity (since January 1 of the prior year)</i></p> <p><i>Is any portion of the equipment or other property at the location identified under Section 1 leased, rented, or consigned from another person or entity?</i></p> <p><i><input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, attach a list of the equipment and other property. Please include the name and address of each lessor or consignor and the quantity and description of the property. Property so listed is not subject to the exemption, and will be assessed by the Assessor if owned by a taxable entity. If owned by a tax exempt organization, the property may be eligible for the welfare exemption.</i></p>	<p>Accepted with modification.</p> <p>See BOE rewrite for text following Yes/No boxes.</p> <p>"If Yes, attach a list of the equipment and other personal property, description of property, and name of who you lease/rent the property from. Property so listed is not subject to the exemption, and will be assessed by the Assessor if owned by a taxable entity. If owned by a tax exempt organization, the property may be eligible for the welfare exemption."</p> <p>As to portion not accepted, see staff response to item #1.</p>

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18	BOE-267	P1 Section 4c, Taxable Possessory Interest	California Assessors' Association	<p>Bold: c. Primary and incidental use of the property</p> <p>Add underlined text: 4.c. Primary and incidental use of the property: <u>Attach copy of the current lease agreement</u></p>	<p>Not accepted.</p> <p>Bolding. See staff response to item #1.</p> <p>Accepted with modification. Instead of 4.c., incorporate language for request for lease into first sentence in section 4.</p> <p>"If claiming an exemption on a taxable possessory interest, <u>attach a copy of the current lease agreement and provide:</u>"</p>
19	BOE-267	P1 Section 4, Taxable Possessory Interest	Orange County Assessor's Office (L. Flores)	c. Primary and incidental use of the property: Please BOLD . This question is usually left unanswered.	<p>Not accepted.</p> <p>See staff response to item #10.</p>
20	BOE-267	P1, Bottom of form	California Assessors' Association	Add underlined text: <u>THIS DOCUMENT IS SUBJECT TO PUBLIC INSPECTION</u> (BOLD)	Accepted.
21	BOE-267	P1, Bottom of Form	Orange County Assessor's Office (L. Flores)	Insert: THIS DOCUMENT IS SUBJECT TO PUBLIC INSPECTION (BOLD)	<p>Accepted.</p> <p>See staff response to item #20.</p>
22	BOE-267	P2 Section 5, Use of Property	California Assessors' Association	Re-order a-d to be consistent with the BOE-267-A (Thrift store first, then living quarters, then low-income, then elderly/handicapped) and re-order corresponding instructions on P(4)	<p>Accepted.</p> <p>Reverse order of a. Living quarters and b. Thrift stores.</p>

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23	BOE-267	P2 Section 5, Operation of a store, thrift shop, or other facility	California Assessors' Association	<u>renumber (1) to i.</u> <u>renumber (2) to ii.</u>	Not accepted. It is the BOE's practice to alternate letters and numbers and to avoid using roman numbers on claim forms, if possible.
24	BOE-267	P2 Section 5. Living Quarters	California Assessors' Association	Revise text Living Quarters: to match the text under question 5 on the BOE-267A Claim for Welfare Exemption (annual Filing). (other than transitional or emergency shelter, low-income housing or housing for the elderly or handicapped)	Not Accepted: Claimants need to provide information on transitional or emergency shelters to the assessor when filing BOE-267. BOE-267-A differs from BOE-267 in that the assessor previously analyzed information received with BOE-267 on the use as transitional housing or emergency shelter and determined that specific use for housing was of a qualifying nature. Therefore, the claimant would not need to provide that information again on BOE-267-A.
25	BOE-267	P2 Section 5, Use of Property	Orange County Assessor's Office (L. Flores)	a. Living quarters Revise text in parenthesis to match text under Question 5 on BOE-267-A CLAIM FOR WELFARE EXEMPTION (ANNUAL FILING) (other than transitional or emergency shelter, low-income housing or housing for the elderly or handicapped)	Not accepted. See staff response to item #24.

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26	BOE-267	P2, Section 5	Contra Costa County Assessor's Office (B. Grose)	<p>5. c. Add the following sentence after the if yes statement: <u>If owned by a limited partnership, is Supplemental Clearance Certificate attached, or previously submitted?</u></p> <p>d. Add the following sentence as part of "If Yes": <u>Please provide a pamphlet or other document describing the care and services provided.</u></p>	<p>Not accepted.</p> <p>This existing question directs the claimant to submit BOE-267-L1 if they answer yes to the question and the property is owned by a limited partnership.</p> <p>The supplemental affidavit BOE-267-L1 directs the claimant to attach the Supplemental Clearance Certificate.</p> <p>Accepted with modification.</p> <p>Add sentence after if yes statement: "Submit documentation on the type of financing or care/services provided."</p>
27	BOE-267	P2 Section 9, Other – Exempt Activity and Use:	California Assessors' Association	Add underlined text: Please check <u>all boxes that are</u> applicable:	Accepted.
28	BOE-267	P3 Instructions, Filing of Claim	California Assessors' Association	Bold: 2 ND paragraph, including financial statements	<p>Not accepted.</p> <p>As the last two words in the sentence of the paragraph, it is sufficiently clear.</p>

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29	BOE-267	P3 Instructions, Filing of CLaim	Orange County Assessor's Office (L. Flores)	2 ND paragraph, including financial statements. Please Bold.	Not accepted. See staff response to item #28.

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30	BOE-267	P3 Instructions, Time for Filing	California Assessors' Association	Add underlined text at the third line of instructions under "Time for Filing" section: <u>For property newly acquired after the lien date or organizations not existing on lien date, the claim must be filed within 90 days from the first day of the month following the month in which the property was acquired, or by February 15 of the following calendar year, whichever occurs earlier. If the application is filed thereafter, only 85 percent of any tax, penalty or interest thereon may be canceled or refunded. The combined tax, penalty or interest imposed on the eligible property may not exceed \$250.</u>	Accepted with modification. Staff Rewrite: To receive the full exemption, the claimant must file a claim each year on or before February 15 . Only 90 percent of any tax or penalty or interest thereon may be canceled or refunded when a claim is filed between February 16 of the current year and January 1 of the following calendar year; if the application is filed thereafter, only 85 percent of any tax or penalty or interest thereon may be canceled or refunded. <u>(For real property acquired after the January 1 lien date, to receive full exemption, the claim must be filed within 90 days from the first day of the month following the month in which the property was acquired, or by February 15 of the following calendar year, whichever occurs earlier. Refer to section 271.)</u> In no case, however, is the tax, penalty, and interest for a given year to exceed \$250. The combined tax, penalty or interest imposed on the eligible property may not exceed \$250.

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31	BOE-267	P3, Instructions	Exempt Organizations Committee Taxation Section of the State Bar of California (M. Clausen	<p>First, we note that the instructions to the proposed Form 267 do not coordinate to the numbered sections on the proposed form in several ways:</p> <ul style="list-style-type: none"> • The instructions refer to Section 2(b)(1), 2(b)(2), 2(c)(1), and 2(c)(2), but the form does not break Sections 2(b) and 2(c) into sub-questions (1) and (2). • The instructions do not refer to Section 2(e), where the new Form 267-O is mentioned. It appears that these instructions have been misplaced in Section 5 of the instructions. • Section 5 of the instructions contains instructions for how to disclose the necessary information about an operator, which does not correspond to Section 5 of the proposed Form 267. 	<p>Accepted.</p> <p>BOE renumbered instructions to be consistent with sections on the form. Additionally, the text in original number (b)(2) will be deleted since it asks for the same information as in original number (c)(2), but is phrased differently.</p>

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32	BOE-267	P4 Instructions Section 2, Real Property	California Assessors' Association	<p>Delete (b) (1) from Section 2 and move to Section 1</p> <p>Delete (b) (2)</p> <p>Delete (c) (1) from Section 2 and move to Section 1;</p> <p>Delete the phrase stucco, concrete and steel, brick, wood, etc.</p> <p>Change (c) (2) to <u>(b)</u></p> <p>Add underlined text: <u>(c) If Yes, submit form BOE-267-O. Failure to submit BOE-267-O may result in the claim being denied</u></p>	<p>Not accepted.</p> <p>This suggested change to the instructions corresponds with the suggested change to the claim form in the comment under item #9. Since that comment was not accepted, the instructions should not be updated.</p> <p>Not accepted.</p> <p>See staff response to item #8. For properties having multiple buildings and structures, it is helpful to have description of the type of construction, since not all buildings may be used for exempt purposes.</p> <p>Not accepted.</p> <p>See staff response to item #12.</p> <p>Form indicates when submission of BOE-267-O is required, which is when an organization uses the property more than once a week.</p>

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33	BOE-267	P4 Instructions, Section 2, Real Property	Orange County Assessor's Office (L. Flores)	Renumber and re-letter portions of instructions as follows: (b) (1) remove (1) (b) (2) delete (c) (1) remove (1) (c) (2) change to (d) Add (e) text should be that under Sec 5.USE OF PROPERTY (a) below	Renumbering of instructions done to coincide with sections and items on form.
34	BOE-267	P4 Instructions, Section 3, Personal Property	Orange County Assessor's Office (L. Flores)	Revise 2 nd line to identify specific lettered items within section 3 that request such information. Add the following underlined language: <u>(a) Describe the type of personal property, (b) and the primary use and incidental use(s) of the property since January 1 of the prior year.</u> <u>(c) if the personal property owned by the claimant is used by others, attach copies of leases or agreements. (d) If YES, provide the names and addresses of the lessors and consignors and list the quantity and description of the property.</u>	Accepted with modification c and d. Add as last sentence in section 3 of the instructions of BOE-267: "If yes to (c) or (d), then provide requested information."
35	BOE-267	P4 Instructions Section 3, Personal property	California Assessors' Association	Add underlined text: <u>(c) If Yes, provide a description of the property, name of the user, its use, the amount received by you (if any), and a copy of the lease or agreement</u> Add underlined text: <u>(d) If Yes, provide a list of the equipment and other business personal property, description of property, and name of who you lease/rent the property from</u>	Accepted in concept. It seems unnecessary to repeat form language verbatim. Proposed instructions summarize the information requested on the claim form. Staff to add instruction verbiage stating to furnish requested list of information, see staff response to item #34.

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36	BOE-267	P4 Instructions Section 5, Use of Property	California Assessors' Association	Revise instructions to match Section 5 (P2) a-d, which have been re-ordered Add: language to request the submission of supplemental claims for each applicable claim type for a-d	Accepted. <ul style="list-style-type: none"> • Revised order of section 5a. and 5b. • Revised language to indicate that claimant must submit requested forms (supplemental affidavits).
37	BOE-267	P4 Instructions Section 5, Use of Property	Orange County Assessor's Office (L. Flores)	USE OF PROPERTY Text under (a) should be moved to Section 2. (e) Text under (b) should be moved to Section 3. (c) Text under (c) should be moved to Section 3. (d) Text under (d) should be moved to Section 5. (a) Text under (e) should be moved to Section 5. (b) (1)	Accepted in concept. Staff renumbered and re-lettered instructions to be consistent with the form after changes made.
38	BOE-267- A	General	California Assessors' Association	Add the word " <u>BUSINESS</u> " to PERSONAL PROPERTY = BUSINESS PERSONAL PROPERTY on all forms and sections	Not accepted. See staff response to item #1.

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39	BOE-267-A P1, Top Portion below Organization Name and Address Box	California Assessors' Association	<p>BOE summarized the changes suggested in screenshot provided by CAA:</p> <p>Add lettering and bolding to certain statements and revise language:</p> <ul style="list-style-type: none"> • <u>A.</u> If you no longer seek an exemption at this location, check here , sign and return this form to the Assessor. Date Vacated: _____ • <u>B.</u> Additionally, if <u>If</u> your organization is dissolved and therefore no longer needs an Organizational Clearance Certificate, check here <input type="checkbox"/> • <u>C.</u> Check, if changed within the last year: <input type="checkbox"/> Mailing Address <input type="checkbox"/> Organization Name • <u>D.</u> Does your organization have a valid <i>Organizational Clearance Certificate</i> (OCC) issued by the State Board of Equalization? <input type="checkbox"/> Yes <input type="checkbox"/> No • If yes, enter OCC No. _____ and date issued _____ • E. Have you amended the organization's formative documents (i.e., articles of incorporation, constitution, trust instrument, articles of organization) since last year? If yes, please mail a copy of the amendment to the State Board of Equalization, County-Assessed Properties Division, P.O. Box 942879, Sacramento, CA 94279-0064. Please include your OCC number. • <u>Note to Assessor Staff:</u> (NOTE TO ASSESSOR STAFF: If the organization is dissolved or the formative documents were amended, please forward a copy of this page to the Board of Equalization.) <p>Bold: All questions must be answered</p> <p>Bold: Identify the property that your organization owns at this location:</p> <p>Add the statement into section: <u>“The Assessor may ask for additional information. If you do not provide such information, it may result in denial of your claim for exemption”</u></p>	<p>Accepted with the exception of not bolding E.</p> <p>Accepted</p> <p>Accepted.</p> <p>Not accepted.</p> <p>The instructions include language on the assessor's statutory right to conduct a verification or audit, which is sufficient. The assessor determines whether to grant exemption or not on a property.</p>

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40	BOE-267-A	P1 Orange County Assessor's Office (L. Flores)	<p>Disagree with <u>removing</u> the following statement from the prior version of the form: The Assessor may ask for additional information. If you do not provide such information, it <u>may</u> result in denial of your claim for exemption.</p> <p>After "Read the information on the reverse side before completing." Change the following text to bold: "All questions must be answered."</p> <p>Under Identify the property that your organization owns (bold) at this location:</p>	<p>Not accepted.</p> <p>We accepted suggestion to bold "All questions must be answered." If the claimant doesn't answer question or provide requested information, the assessor should contact the claimant.</p> <p>Accepted.</p> <p>Accepted.</p>
41	BOE-267-A	P1 Question 8	<p>California Assessors' Association</p> <p>Add underlined text after the question following the Yes or No boxes: <u>Check Yes or No. If yes, please submit BOE-267-O. Failure to submit BOE-267-O may result in the claim being denied</u></p>	<p>Not accepted.</p> <p>See staff response to item #12.</p>
42	BOE-267-A	P2 Instructions	<p>California Assessors' Association</p> <p>In the Use of the Property by Other Organizations section, add underlined text: <u>If question 8 is answered yes, submit BOE-267-O. Failure to submit BOE-267-O may result in the claim being denied.</u></p> <p>[BOE comment: The intent of CAA request is to remove the instruction in this section in its entirety and replace with the added suggested phrase, thereby requiring completion of BOE-267-O for all users, regardless of frequency.]</p>	<p>Not accepted.</p> <p>See staff response to item #12.</p>

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43	BOE-267 BOE-267-A	Instructions Section 5 (a)	<p data-bbox="527 289 680 553">Exempt Organizations Committee Taxation Section of the State Bar of California (M. Clausen)</p> <p data-bbox="716 289 1535 516">Another area where both the proposed Form 267 and 267-A and their instructions could be clearer is in the discussion of operators and users. The instructions contain the words “operate” and “use,” but neither is defined. If the Board is using these two words interchangeably, then the Committee recommends using only one of them consistently throughout the forms and instructions. If the Board intends for these words to have different meanings, then each should be clearly defined in the instructions.</p>	<p data-bbox="1583 289 1965 492">Accepted in concept. BOE-267, add after the first sentence in Instructions, section 5(a): "An organization using the property more than once a week is considered an operator."</p> <p data-bbox="1583 537 1976 727">BOE-267-A, add as the last sentence of the last paragraph under "General Information": "An organization using the property more than once a week is considered an operator."</p> <p data-bbox="1583 773 1965 1089">Revise first sentence of the first paragraph of BOE-267-O, changed the word "operated" to "used" and add the following at the end of the sentence: "considered to be an operator." Staff rewrite: real property used by another organization more than once a week, <u>considered to be an operator.</u></p>

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No.	FORM/AREA REFERENCE	SOURCE	PROPOSED/ALTERNATE LANGUAGE/COMMENTS	BOE STAFF POSITION
44	BOE-267 BOE-267-A	Instructions Section 5 (a)	Exempt Organizations Committee Taxation Section of the State Bar of California (M. Clausen) Comment: Finally, neither form's instructions include any definition of what qualifies as "living quarters." The Committee recommends including an example or other description in the instructions to both forms, to assist claimants in filling out the relevant sections.	Staff response: The purpose of the form is to seek information on certain types of use of property, in this case, if some portion is used for living quarters. It is not to advise the claimant on what types of use qualify as living quarters. Use requirements are outlined in statute and property tax rules. Supplemental affidavit BOE-267-R indicates what information is required for property used for the living quarters for rehabilitation programs.
45	BOE-267-O	General	California Assessors' Association Add the word " <u>LEGAL</u> " to NAME OF ORGANIZATION = LEGAL NAME OF ORGANIZATION to BOE-267 AND BOE-267-O forms and sections	Not accepted. See staff response to item #2.

***Change to Welfare Exemption Claim Filing Requirements – Form Revisions for JCC
Alternative Language/Comments***

No.	FORM/AREA REFERENCE		SOURCE	PROPOSED/ALTERNATE LANGUAGE/COMMENTS	BOE STAFF POSITION
46	BOE-267-O	General	California Assessors' Association	<p>Incorporate all operators on one form 267-O</p> <p>1. Space on one side of form for a check box for once week or less operators</p> <p>1. Space on one side of form for a listing of once week or less operators</p> <p>2. Space on the other side of for for more than one week operators</p> <p>Would like to see this form be used also for reporting “once a week or less” users of the property. Once a week or less users format could be designed similar to the Property Use Report used by some counties for organizations to report other persons or organizations using the property. (Copy of Property Use Report is also attached). It should also include whether outside user has a tax exempt status letter from either the IRS or Franchise Tax Board.</p> <p>Add a question on users of the portion of the property that the operator is using</p>	<p>Not accepted.</p> <p>BOE-267 requires claimant to provide details on all users of the property it owns, including frequency of use through submission of a list. BOE-267-O is only to report on operators that use the property more than once a week. Requested list of users is consistent with prior versions of forms BOE-267 and BOE-267-A. Previously, users more than once a week were instructed to file a separate claim as the operator, which was found by the court <i>Jewish Community Center Development Corporation v. County of Los Angeles (2016)243Cal.App.4th 700(JCC)</i> to not be supported by statute. More than once a week use requires certain tax exempt status: 501(c)(3) or 23701d. R&TC 214(a)(3)(D) indicates additional statuses for once a week or less use.</p> <p>Not accepted.</p> <p>The owner should have information on all uses of its property by all organizations using their property, even if an lessee organization allows another organization to use the property.</p>

**Change to Welfare Exemption Claim Filing Requirements – Form Revisions for JCC
Alternative Language/Comments**

No.	FORM/AREA REFERENCE	SOURCE	PROPOSED/ALTERNATE LANGUAGE/COMMENTS	BOE STAFF POSITION	
47	BOE-267-O Instructions	Exempt Organizations Committee Taxation Section of the State Bar of California (M. Clausen)	According to the instructions to the proposed forms, an organization other than the owner operating or using the property more than once a week triggers the Form 267-O filing. If an organization uses the property once a week or less, the claimant must attach a description of that portion of the property, its use, the amount received by the claimant (if any), a copy of the lease or agreement, and a copy of the organization's tax exempt status letter. Thus, the proposed forms require the same information whether or not the claimant is required to complete Form 267-O. It is not clear to the Committee why the forms treat the two sets of users (more- than-weekly users and weekly-or-less users), particularly since the same information and materials must be submitted to the Assessor for all users.	The frequency of use dictates which tax exempt statuses are acceptable for the welfare exemption. R&TC 214(a)(3)(D) permits certain users that are not more than once a week, and expands the tax exempt status that these user organizations can have which will not adversely affect the property's qualification for exemption. BOE-267-O is designed to be used for more than once a week operators and, therefore, only states the tax exempt statuses which are allowed for that frequency of use. To indicate additional tax exempt statuses or a person user which is not an organization implies such use by such organization as qualifying, which is misleading. See also staff response to item #12.	
48	BOE-267-O	P1	California Assessors' Association	Add place to collect OCC number for each organization using the property	Not accepted. Requesting an OCC number suggests that the operator must have an OCC, which is contrary to the court's holding in JCC.
49	BOE-267-O	P1 Section 1, Identification of Claimant and Property	California Assessors' Association	Revised heading of Section 1 from Identification of Claimant and Property as follows: <u>Owner and Identification of Claimant of and Property</u>	Not accepted. The claimant is the owner of the property; in accordance with the court's holding in JCC an owner is the claimant not an operator.

***Change to Welfare Exemption Claim Filing Requirements – Form Revisions for JCC
Alternative Language/Comments***

No.	FORM/AREA REFERENCE		SOURCE	PROPOSED/ALTERNATE LANGUAGE/COMMENTS	BOE STAFF POSITION
50	BOE-267- O	P1 Section 2	California Assessors' Association	<p>The first box, NAME OF ORGANIZATION, is lettered a, the rest of the boxes are not lettered. It might be good to actually letter each box, that way the instruction page can identify more clearly a specific box and how to fill it out</p> <p>Please add "<u>LEGAL</u>" in front of 'Name of Organization' to read: LEGAL NAME OF ORGANIZATION</p>	<p>Accepted.</p> <p>Not accepted. See staff response to item #12.</p>
51	BOE-267- O	P1 Section 2	California Assessors' Association	<p>Under Section 2. a. Name of Organization: Change to "Tax exempt Status Letter Attached? <input type="checkbox"/> Yes <input type="checkbox"/> No, submitted with a previous filing"</p> <p>Revised to add underlined text: TAX EXEMPT STATUS: <u>If new operator, attach copy of letter from IRS</u> Section 501(c)(3) of the Internal Revenue Code Section 23701d of the Revenue and Taxation Code</p>	<p>Accepted with modification. Retaining the check boxes to indicate the type of tax exempt status that the operator has, adding additional phrase in parenthesis instruction the claimant to furnish the tax exempt status letter. BOE staff rewrite: "(Submit copy of tax exempt status letter, if not submitted with previous filing.)"</p>

***Change to Welfare Exemption Claim Filing Requirements – Form Revisions for JCC
Alternative Language/Comments***

No.	FORM/AREA REFERENCE		SOURCE	PROPOSED/ALTERNATE LANGUAGE/COMMENTS	BOE STAFF POSITION
52	BOE-267-O	Section 2	Exempt Organizations Committee Taxation Section of the State Bar of California (M. Clausen)	<p>It is not clear on the face of Form 267-O that the claimant must submit a copy of the tax exempt status letter of each operator. In our experience, it is common for lay people filling out forms to focus on the face of the form and not read the instructions carefully. The Committee believes that stating this requirement clearly on the face of the form will reduce the number of incomplete claims submitted to Assessors.</p> <p>More generally, the Committee feels that County Assessors are not in the best position to determine whether an organization qualifies for exemption. The proposed forms appear to expect an Assessor to make that determination with respect to operators based solely on whether the operator has a determination letter from the IRS or FTB. This process risks being both over- and under-inclusive of the requirements for welfare exemption. On the one hand, there may be organizations that can produce an IRS determination letter, perhaps having filed the new IRS Form 1023-EZ, that nevertheless may not qualify for exemption at all. On the other hand, there may be organizations using property as part of an owner’s exempt activity -- members of the charitable class or others served by the charitable program, for example -- which do not have determination letters. In these cases, if the property is being used exclusively for the owner’s exempt purposes, it may qualify for the welfare exemption despite the user’s lack of determination letter.</p>	<p>Accepted.</p> <p>See staff response to item #51.</p> <p>BOE comment to operators: As a result of the court's holdings in JCC, the Assessor must determine whether an operator of a property for which exemption is sought is organized and operated for an exempt purpose without the benefit of the operator filing a claim for exemption or holding an OCC. We have interpreted this to mean that the Assessor must now verify the tax exempt status of the operator (which is not dissimilar to verifying whether the operator holds an OCC), in addition to evaluating whether the operator's use of the property qualifies for the welfare exemption is the responsibility already assigned to the assessor prior to JCC.</p>

**Change to Welfare Exemption Claim Filing Requirements – Form Revisions for JCC
Alternative Language/Comments**

No.	FORM/AREA REFERENCE	SOURCE	PROPOSED/ALTERNATE LANGUAGE/COMMENTS	BOE STAFF POSITION
53	BOE-267- O P1 Section 2	California Assessors' Association	<p>Please add "<u>DBA if applicable</u>" as a new field under each 'a. Name of Organization'</p> <p>Alternatively, add specific 'DBA' wording to "Description of the Operator's Use of the Property (DBA name, description and frequency of use)</p> <p>BOE summarized the changes suggested in screenshot provided by CAA:</p> <p>Add the following underlined text in the first item in section 2: <u>Name of Organization Operating on Claimant's Real Property</u></p> <p>Add the following new question after the organization name: <u>New Operator this year <input type="checkbox"/> Yes <input type="checkbox"/> No Effective Date:</u></p>	<p>Accepted.</p> <p>Added "DBA, if applicable" as a new field in Section 2.</p> <p>Not accepted.</p> <p>Insertion following name of organization not necessary since the immediately preceding section header so explains.</p> <p>Accepted with addition of question mark.</p> <p>Addition of check boxes for New Operator as a new field in Section 2.</p>
54	BOE-267- O P1 Section 2	California Assessors' Association	<p>Add underlined text and add new selection as follows:</p> <p><u>Current Tax exempt Status:</u></p> <p><input type="checkbox"/> Section 501(c)(3) of the Internal Revenue Code</p> <p><input type="checkbox"/> Section 23701d of the Revenue and Taxation Code</p> <p><input type="checkbox"/> <u>Non-Exempt</u></p>	<p>Not accepted.</p> <ul style="list-style-type: none"> • Copy of tax exempt status letter will show the effective date of exemption and current status can be confirmed online with the IRS and FTB. • Addition of non-exempt box implies that it is acceptable for the operator to not be exempt.

***Change to Welfare Exemption Claim Filing Requirements – Form Revisions for JCC
Alternative Language/Comments***

No.	FORM/AREA REFERENCE		SOURCE	PROPOSED/ALTERNATE LANGUAGE/COMMENTS	BOE STAFF POSITION
55	BOE-267- O	P1 Section 2	California Assessors' Association	Should be asking if they are seeking an exemption on the space used by this user, need contact info for operator name, phone number, email.	Not accepted. BOE-267 indicates what property the claimant owner is seeking exemption on. The lease agreement should provide contact information, however, if additional information is needed the assessor should contact the claimant. The list of information requested for all users will identify the portion used by each user; the assessor can determine what portion of the claimant's property does and does not qualify for exemption utilizing this information.
56	BOE-267- O	P1 Section 2	California Assessors' Association	Comment pertaining to item in section 2 asking for a description of the operator's use of the property: Purposes Organized for: Not sure owner will know how to fill this out	It is the owners' responsibility to obtain this information from the operators so the assessor can ensure property is being used for purposes within the welfare exemption.

**Change to Welfare Exemption Claim Filing Requirements – Form Revisions for JCC
Alternative Language/Comments**

No.	FORM/AREA REFERENCE		SOURCE	PROPOSED/ALTERNATE LANGUAGE/COMMENTS	BOE STAFF POSITION
57	BOE-267- O	P1 Section 2	California Assessors' Association	<p>Revise requested information as follows: Description of the Operator's Use of the Property (description and frequency of use and portions of property used):</p> <p>Revise requested information for description of operator's use as follows: Delete (description and frequency of use) and add, frequency of use with 2 checkboxes, one for once a week or less and one for more than once a week</p>	<p>Accepted with modification. Staff rewrite: "DESCRIPTION OF PROPERTY USED BY THE ORGANIZATION LISTED IN 2(a) ABOVE (Type of property and <u>portions of property used, including square footage used.</u>)"</p> <p>For deletion and addition on frequency of use, see staff response to items #12 and #47.</p>
58	BOE-267- O	P1 Section 2	California Assessors' Association	<p>Comment and suggested addition of question: We are already asking for all of the users and these are less frequent situations.</p> <p>In Nevada County, we have some operators that are full time operators of the property and who rent and/or allow other organizations to use the property they operate on. The owner is not always aware of all the activities and users that the operator allows on the owner's property. Therefore; under Section 2, after heading; DESCRIPTION OF THE OPERTOR'S USE OF THE PROPERTY: it would be good to add a follow up question to the above heading asking: Does the operator rent and /or allow other organizations to use the property? <input type="checkbox"/> Yes <input type="checkbox"/> No. If Yes, Provide a list including name of user, frequency of use, square footage used and Tax exempt Status letter.</p>	<p>Not accepted. The owner should be aware of all of the operators of the property, regardless of whether the operator rents the property directly from the owner or from another operator See staff response to item #46.</p>

**Change to Welfare Exemption Claim Filing Requirements – Form Revisions for JCC
Alternative Language/Comments**

No.	FORM/AREA REFERENCE	SOURCE	PROPOSED/ALTERNATE LANGUAGE/COMMENTS	BOE STAFF POSITION
59	BOE-267- O	P1 Section 2	<p>California Assessors' Association</p> <p>Reorder and Revise</p> <p>A. Name of Organization</p> <p>Description of Property Used By the Organization</p> <p>Current Lease or agreement attached?</p> <p>Rent or fees received from operator</p> <p><u>Does the claimant seek exemption for the portion of the property used by this organization? Yes/No</u></p> <p><u>If yes, description of the operator's use of the property</u></p> <p><u>Is the property used 1 day per week or less? Yes/No If yes, attach a copy of Tax exempt Status Letter. If no, Does the organization have an OCC. Yes/No If yes, write in the number. If no please provide the following unless it was providing with a previous filing.</u></p> <p><u>Formative Documents</u></p> <p><u>Tax exempt Status Letter</u></p> <p><u>Financial Statements</u></p> <p><u>Activities</u></p>	<p>Not accepted.</p> <p>Existing order asks for organization name and purpose information of the operator, followed by the description of the property used and the lease agreement and fee structure for that property use, then concludes by asking what the operator uses the property for.</p> <p>As to asking if the organization has an OCC, requesting an OCC number suggests that the operator must have an OCC, which is contrary to the court holding in JCC See staff's response to item #48. If the assessor has concerns about use, they can request additional information or conduct an audit.</p> <p>The Assessor does not need to examine formative documents of operators for irrevocable dedication (ID) and dissolution clause (DC) language requirements because the operator does not own the property therefore its ID/DC clauses have no effect on the property.</p>

***Change to Welfare Exemption Claim Filing Requirements – Form Revisions for JCC
Alternative Language/Comments***

No.	FORM/AREA REFERENCE		SOURCE	PROPOSED/ALTERNATE LANGUAGE/COMMENTS	BOE STAFF POSITION
60	BOE-267-O	P1 Certification and Bottom of Page	California Assessors' Association	<p>Update to use the 'standard' certification block that other exemption forms have migrated towards based on Forms Committee annual input. Note: two different but improved versions of the 'standard' certification block may be seen on the BOE-262-AH (Church) or BOE-268-A (Public School).</p> <p>Add: THIS DOCUMENT IS SUBJECT TO PUBLIC INSPECTION (BOLD)</p>	<p>Accepted.</p> <p>For this lien date, the certification area will be inconsistent with some of the other supplemental affidavits. Staff using format of form BOE-262-AH.</p> <p>Accepted.</p>
61	BOE-267-O	P1, Bottom of Page	Orange County Assessor's Office (L. Flores)	<p>Bottom of page add: THIS DOCUMENT IS SUBJECT TO PUBLIC INSPECTION (BOLD)</p>	<p>Accepted.</p>

**Change to Welfare Exemption Claim Filing Requirements – Form Revisions for JCC
Alternative Language/Comments**

No.	FORM/AREA REFERENCE		SOURCE	PROPOSED/ALTERNATE LANGUAGE/COMMENTS	BOE STAFF POSITION
62	BOE-267-O	P2 Instructions, Filing of Affidavit	California Assessors' Association	Add underlined text and delete stricken text: The owner of a property must hold a valid Organizational Clearance Certificate (OCC) issued by the State Board of Equalization (Board) before the <u>an</u> assessor can approve a property tax exemption. In order for the owner to receive <u>an</u> exemption on the property, the operator of the <u>all persons or organizations who use the</u> property must be organized for welfare exempt purposes and the property must must be used for welfare exempt purposes. The owner may must demonstrate qualification for exemption by furnishing information to the Assessor <u>assessor</u> regarding each operator <u>person or organization that uses the property</u> .	Accepted with modification. Staff proposes addition of the following phrase at the end of the third sentence of the second paragraph on staff's proposed draft: "(and the operator's use of claimant's property; this affidavit is used to provide such information.)" Language regarding persons, not accepted. -BOE-267-O is applicable to organizations using the claimant's property, not a person. BOE-267 and BOE-267-A request information be provided for both persons and organizations using the claimant's property. If the owner identifies users as a person, then the assessor can determine if such disqualifies the property, or portion thereof, from the welfare exemption.
63	267-O	P2 Instructions	Orange County Assessor's Office (L. Flores)	FILING OF AFFIDAVIT 1 st paragraph: 1 st line: This affidavit must (BOLD) 4 th line: you may (BOLD) be denied the exemption. 2 nd paragraph, 3 rd line: must be used (BOLD) for welfare exempt purposes	Not accepted. Bolding unnecessary and not consistent with other supplemental affidavits.

**Change to Welfare Exemption Claim Filing Requirements – Form Revisions for JCC
Alternative Language/Comments**

No.	FORM/AREA REFERENCE	SOURCE	PROPOSED/ALTERNATE LANGUAGE/COMMENTS	BOE STAFF POSITION	
64	BOE-267- O	P2 Instructions, Filing of Affidavit	California Assessors' Association	<p>3rd Paragraph Add underlined text and delete stricken text: <u>All other persons or organizations who use the property must be listed on this form. The default status of all assessable property is that it is subject to taxation. Granting the Welfare Exemption requires that property be used exclusively for religious, hospital, scientific, or charitable purposes by qualifying organizations. Therefore, it is assumed that all portions of the property used by persons and organizations other than the qualifying owner are taxable. The burden of proving that the Welfare Exemption is applicable to portions of the property used by other persons or organizations is the responsibility of the applicant.</u> In accordance with Revenue and Taxation Code section 254.5(b)(2), the assessor may institute an audit or verification of the operations of the owner or operator of <u>and all persons or organizations who use the claimant's property</u> to determine whether they meet the requirements of Revenue and Taxation Code section 214.</p>	<p>Not accepted. See staff response to item #62 regarding person language. Information on other users is provided separately in accordance with the requested list on BOE-267, section 2. Exemption claim forms and supplemental affidavits are intended for claimants to furnish information that the assessor considers in determining exemption eligibility. If the assessor needs additional information, they may request it from the claimant.</p>
65	BOE-267- O	P2 Instructions, Section 2, Organization(s) Operating on the Property	California Assessors' Association	<p>2nd paragraph, 1st sentence; it asks to indicate if the operator is exempt from federal income tax under the provisions of section 501 (c) (3) of the Internal Revenue Code and/or exempt from state franchise or income tax under the provisions of section 23701d of the Revenue and Taxation Code. This should read the same as the BOE-267 (P4) *Section 2. (e) and BOE-267-A (P2) Use of the Property by Other Organizations where it includes 501 (c) (4), 23701f and 23701w, which is what R&T 214 (a) (3) (D) states.</p>	<p>Not accepted. R&TC section 214(a)(3)(D) refers to organizations which use the owner's property once a week or less. Organizations using the property more than once a week must be tax exempt under 501(c)(3) or 23701d. R&TC 214(a)(3)(D) indicates additional statuses for once a week or less use. See also staff response to items #12, #46, and #47.</p>

***Change to Welfare Exemption Claim Filing Requirements – Form Revisions for JCC
Alternative Language/Comments***

No.	FORM/AREA REFERENCE		SOURCE	PROPOSED/ALTERNATE LANGUAGE/COMMENTS	BOE STAFF POSITION
66	BOE-267-O	P2 Instructions, Section 2, Organization(s) Operating on the Property	California Assessors' Association	Add underlined text: Check the appropriate box(es) to indicate if the operator is <u>currently</u> exempt from federal income tax under the provisions of section 501(c)(3) of the Internal Revenue Code and/or exempt from state franchise or income tax under the provisions of section 23701d of the Revenue and Taxation Code. If you are filing this affidavit with the Claim for Welfare Exemption (First Filing) BOE-267), submit a copy of the tax exempt status letter of each operator. If you are filing this affidavit with your annual filing (BOE-267-A), and the property is operated by any <u>used by persons or organizations</u> not previously identified on prior affidavits, submit a copy of the tax exempt status letter for each new operator.	Not accepted. See staff responses to item #54 regarding adding "current" to tax exempt status and #62 regarding person language.
67	267-O	General	J. Bushore	<p>Comment/question:</p> <p>I noticed in reviewing the proposed changes and BOE forms referenced I noticed there was no mention of Public (Charter) Schools, such as:</p> <p>BOE-263-C, CHURCH LESSORS' EXEMPTION CLAIM PROPERTY LEASED BY A CHURCH TO A PUBLIC SCHOOL, COMMUNITY COLLEGE, STATE COLLEGE, OR STATE UNIVERSITY, INCLUDING THE UNIVERSITY OF CALIFORNIA, USED JOINTLY WITH A CHURCH</p> <p>Will the creation of a supplemental affidavit, BOE-267-O, Welfare Exemption Supplemental Affidavit, Organizations Operating On Claimant's Real Property, include the execution by Qualifying Public School Lessees to the Lessor to cover the above churches and schools?</p>	This supplemental affidavit is only used by a claimant filing for the welfare exemption using forms BOE-267 or BOE-267-A. It does not apply to form BOE-263-C, which is used by a church leasing its property to a governmental agency and public schools.

***Change to Welfare Exemption Claim Filing Requirements – Form Revisions for JCC
Introductory and General Comments/Questions***

No.	SOURCE	INTRODUCTORY AND GENERAL COMMENTS OR QUESTIONS SUBMITTED BY INTERESTED PARTIES	BOE STAFF POSITION
1	California Assessors' Association Stanislaus County Assessor (D. Gaekle)	On behalf of the CAA, the Exemptions Subcommittee sought input from all counties. The committee itself had extensive discussion and exchange of ideas during the last two weeks to arrive at recommendations. Attached is an Excel spreadsheet containing comments/suggestions for changes to forms BOE-267 and 267-A. Also attached is a mockup of the committee's proposed Form 267-O and instructions.	Thank you for your submission. Staff response for each change is provided in the previous table. Changes identified under the column "Proposed/Alternative Language/Comments"
2	Nevada County Assessor (S. Horne)	Nevada County strongly supports the recommendations for changes to BOE-267, BOE-267-A and for the proposed BOE-267-O as laid out in the attachments sent to you from the CAA Exemptions Committee.	Thank you for your submission.
3	Sacramento County Assessor's Office (C. Manley)	In response to LTA 2016/028, Sacramento County is forwarding three documents for your consideration and inclusion in the interested parties process. The excel spreadsheet addresses revisions to BOE-267 and BOE-267-A and the pdf documents represent our recommended format and instructions for proposed new form BOE-267-O. (same information that was sent in by CAA)	Thank you for your submission.

Change to Welfare Exemption Claim Filing Requirements – Form Revisions for JCC
Introductory and General Comments/Questions

No.	SOURCE	INTRODUCTORY AND GENERAL COMMENTS OR QUESTIONS SUBMITTED BY INTERESTED PARTIES	BOE STAFF POSITION
5	Orange County Assessor's Office (L. Flores)	<p>1. When does this become effective?</p> <p>2. We currently have exemptions pending for 2016 and prior years awaiting for operator to be issued OCC.</p> <p>There will be claimants who will want us to reverse prior year exemptions that were based on operators filing late. Will we be required to do this?</p>	<p>The forms being considered will be effective for use as of the January 1, 2017 lien date. Similar to the existing BOE-267-A, a claimant can file claims seeking exemption for prior years. Such claims should be made on the current form version.</p> <p>The court's holding in JCC indicated that the prior BOE guidance requiring the operator to hold an OCC was not supported by statute. Therefore, the assessor cannot require the operator to hold an OCC, even for claims filed prior to the court's 2016 holding.</p>

Change to Welfare Exemption Claim Filing Requirements – Form Revisions for JCC
Introductory and General Comments/Questions

No.	SOURCE	INTRODUCTORY AND GENERAL COMMENTS OR QUESTIONS SUBMITTED BY INTERESTED PARTIES	BOE STAFF POSITION
6	Exempt Organizations Committee Taxation Section of the State Bar of California (M. Clausen)	<p>The Exempt Organizations Committee of the Taxation Section of the State Bar of California (the "Committee") is pleased to submit the following comments to the State Board of Equalization (the "Board") in response to the proposed forms and instructions in Letter to Assessors 2016/028. Matthew Clausen, Michele Berger, and Jorge Lopez drafted these comments. These comments do not necessarily reflect the position of the State Bar of California. Although the contributors to these comments have clients that could be affected by the principles addressed by these comments, no contributor or firm or organization to which any contributor belongs has been engaged by a client to make a government submission with respect to, or otherwise to influence the development or outcome of, the specific subject matter of these comments.</p> <p>The Committee appreciates the time and effort the Board has taken to develop the proposed forms, and welcomes the opportunity to comment on them.</p> <p>In the Committee’s experience, charitable organizations spend too much of their resources each year applying for and maintaining the welfare exemption for property that clearly qualifies. The statutes and rules applicable to the exemption, and especially around the application process, are complex and difficult for exempt organizations -- many of which are run by volunteers and overworked staff -- to understand. These organizations often resort to paying counsel to complete the forms, or to correct errors after volunteers and paid staff have attempted to file on their own. There is a real opportunity to make this process simpler and less costly for charitable organizations, and thus allow these organizations to use more of their resources providing charitable benefits rather than spending them on professional fees.</p> <p>The proposed changes to the forms are a good initial effort to address the holding of the <i>Jewish Community Centers Development Corporation</i> case. That case held that the lessee or other “operator” of property owned by a charitable organization has no taxable interest in the property, and therefore no need for an exemption from property tax. The proposed changes eliminate any requirement that a non-owner operator apply to the Board for an Organizational Clearance Certificate or file welfare exemption claims with the County Assessor. As we describe below, we believe there are a few points where the proposed forms and instructions could be clearer and simpler for the claimant.</p>	Thank you for your submission.

Change to Welfare Exemption Claim Filing Requirements – Form Revisions for JCC
Introductory and General Comments/Questions

No.	SOURCE	INTRODUCTORY AND GENERAL COMMENTS OR QUESTIONS SUBMITTED BY INTERESTED PARTIES	BOE STAFF POSITION
7	Los Angeles County Assessor's Office (M. Herrera)	<p>Thank you for the opportunity to review the proposed revisions to various BOE-prescribed forms so that they may be in compliance with the change(s) to welfare exemption claim filing requirements.</p> <p>Our Exemption Services Division has indicated that they will coordinate with the California Assessor's Association (CAA) Exemptions Subcommittee regarding the proposed revisions to the <i>Claim for Welfare Exemption (First Filing)</i> (BOE-267), the <i>20__ Claim for Welfare Exemption (Annual Filing)</i> (BOE-267-A), and proposed new supplemental affidavit, BOE-267-O, <i>Welfare Exemption Supplemental Affidavit, Organizations Operating On Claimant's Real Property</i> forms, as they pertain to the changes to welfare exemption claim filing requirements.</p>	Thank you for your submission.
8	Contra Costa County Assessor's Office (B. Grose)	At last week's CAASA roundtable, we were encouraged to still offer our endorsement of the responses already submitted, and to provide additional feedback in the hope that it can still be considered. My Exemptions lead clerk reviewed many of the suggestions compiled by CAASA and found them all to be prudent and worthwhile, and has two additional comments/requests:	Thank you for your submission.

(Revisions from 7/28/16 proposed draft displayed in strikeout and underlined text)**CLAIM FOR WELFARE EXEMPTION (FIRST FILING)**

(For new locations and/or in-lieu of preprinted claim form BOE-267-A)

This claim is filed for fiscal year 20__ - 20__.

(Example: a claimant filing a timely claim in January 2017 would enter "2017-2018.")

NAME OF ORGANIZATION

MAILING ADDRESS (number and street)

CITY, STATE, ZIP CODE

WEBSITE ADDRESS (if any)

CORPORATE OR LLC ID NO. (if any)

FEIN/EIN

CHECK ANY OF THE FOLLOWING ITEMS THAT HAVE BEEN CHANGED WITHIN THE LAST YEAR:

- MAILING ADDRESS ORGANIZATION NAME ORGANIZATION'S FORMATIVE DOCUMENT (an amendment to articles of incorporation, constitution, trust instrument, or articles of organization, etc.)

ORGANIZATIONAL CLEARANCE CERTIFICATE (OCC) NO.: _____
Provide a copy of the certificate issued by the State Board of Equalization (Board) and a copy of the Finding Sheet issued by the Board.

If you do not have an OCC, have you filed a claim for an OCC with the Board?
 Yes No If No, see the Instructions page for information regarding obtaining an OCC.

PRIOR YEAR FILINGS

Has the organization filed for the welfare exemption on any property in this county in prior years? Yes No If Yes, state latest year filed:**1. IDENTIFICATION OF PROPERTY**a. ADDRESS OF PROPERTY (number and street, including suite/unit number if applicable)CITY, STATE, ZIP CODE

ASSESSOR'S PARCEL NUMBER

b. Is this a new location this year? Yes No

c. When was the property put to exempt use (MM/DD/YYYY)?

d. Property owned by the claimant for which claimant seeks exemption (check applicable boxes):

- Real Property: Personal Property Taxable Possessory Interest
 Land Building and improvements

2. REAL PROPERTY. If claiming an exemption on real property, provide:

a. Date property acquired (MM/DD/YYYY):

b. **Land.** Area in acres or square feet:c. **Building and Improvements.** Building number or name, number of floors, type of construction:d. Describe Pprimary and incidental use of the property:

e. Real property leased, rented, or used by others (since January 1 of the prior year)

Is any portion of the real property identified under Section 1 used or operated part-time or full-time by some other person or organization other than the claimant?

- Yes No If **Yes**, provide a list including the name of user, frequency of use, and square footage used. If the property is operated or used more than once a week by another organization, submit BOE-267-O; if the property is used by a person or organization once a week or less, attach a description of that portion of the property, its use, the amount received by you (if any), and a copy of the lease or agreement, and for organizations, its tax exempt status letter issued by the Internal Revenue Code or the Franchise Tax Board.

3. PERSONAL PROPERTY. If claiming an exemption on personal property, provide:

a. Description (type) of the property:

b. Describe Pprimary and incidental use of the property:c. Personal property owned by the claimant that is leased, rented, or used by others (since January 1 of the prior year)

Is any portion of the personal property identified under Section 1 used or operated by another party?

- Yes No If **Yes**, attach a description of the property, its use, the name of the user, the amount received by you (if any), and a copy of the lease or agreement.

d. Equipment leased or rented from another person or entity (since January 1 of the prior year)

Is any portion of the equipment or other property at the location identified under Section 1 leased, rented, or consigned from another person or entity?

- Yes No If **Yes**, attach a list of the equipment and other property, description of property, and name of whom you lease/rent the property from. Please include the name and address of each lessor or consignee and the quantity and description of the property. Property so listed is not subject to the exemption, and will be assessed by the Assessor if owned by a taxable entity. If owned by a tax exempt organization, the property may be eligible for the welfare exemption.

4. TAXABLE POSSESSORY INTEREST. If claiming an exemption on a taxable possessory interest, attach a copy of the current lease agreement and provide:

a. Name of the public owner (local, state, or federal agency) of the land, buildings, and/or improvements:

b. Description of the type of property that is leased from the public owner:

c. Describe primary and incidental use of the property:

THIS DOCUMENT SUBJECT TO PUBLIC INSPECTION

5. USE OF PROPERTY

a. a. Operation of a store, thrift shop, or other facility (since January 1 of the prior year)

(1) Is any portion of the property identified under Section 1 used to operate a store, thrift shop, or other facility that sells goods to members of the organization or to the general public?

Yes No If **Yes**, (A) list the hours per week the business is operated and (B) describe the type of goods sold:

(2) Is the property used as a thrift shop as part of a planned, formal rehabilitation program?

Yes No If **Yes**, submit BOE-267-R.

a. b. Living quarters (since January 1 of the prior year)

Is any portion of the property identified under Section 1 used for living quarters (other than low-income or elderly or handicapped housing)?

Yes No If **Yes**, describe that portion. Submit documentation that the housing is incidental to and reasonably necessary for the exempt purposes of the organization. If living quarters are associated with a rehabilitation program, submit BOE-267-R.

c. Low-income housing

Is any portion of the property identified under Section 1 used as low-income housing?

Yes No If **Yes**, submit BOE-267-L if owned by a nonprofit organization or limited liability company; submit BOE-267-L1 if owned by a limited partnership.

d. Elderly or handicapped housing

Is any portion of the property identified under Section 1 used as a facility for the elderly or handicapped?

Yes No If **Yes**, submit BOE-267-H, unless care or services are provided or the property is financed by the federal government under, including but not limited to, sections 202, 231, 236, or 811 of the Federal Public Laws. Submit documentation on the type of financing or care/services provided.

6. UNRELATED BUSINESS TAXABLE INCOME

Is the property for which exemption is sought used for activities that produce income that is "unrelated business taxable income," as defined in section 512 of the Internal Revenue Code (IRC), and that is subject to the tax imposed by section 511 of the IRC?

Yes No If **Yes**, attach each of the following:

1. The organization's information and tax returns filed with the Internal Revenue Service for the preceding fiscal year.
2. A statement setting forth the amount of time devoted to the organization's income producing and non-income producing activities, and, where applicable, a description of the portion of the property on which those activities are conducted.
3. A statement listing the specific activities which produce the unrelated business taxable income.
4. A statement setting forth the amount of income of the organization that is attributable to activities in the state and is exempt from income or franchise taxation, and the amount of total income of the organization that is attributable to activities in the state.

7. EXPANSION

Do you contemplate any capital investment in the property within the next year? Yes No If **Yes**, explain:

8. FINANCIAL STATEMENTS

Attach a copy of your operating statement (income and expenses) and balance sheet (assets and liabilities), which relate exclusively to the property identified under Section 1, for the calendar or fiscal year preceding the claim year.

9. OTHER – EXEMPT ACTIVITY AND USE

Please check the following, if all boxes that are applicable:

- The property is used for the actual operation of the exempt activity.
- The property is not used or operated by the owner or by any other person or organization so as to benefit any officer, trustee, director, shareholder, member, employee, contributor, or bondholder of the owner or operator, or any other person, through the distribution of profits, payment of excessive charges or compensations, or the more advantageous pursuit of the business or profession.
- The property is not used by the owners, operators, or members for fraternal or lodge purposes, or for social club purposes except where such use is clearly incidental to a primary religious, hospital, scientific, or charitable purpose.

Whom should we contact during normal business hours for additional information?

NAME		TITLE
DAYTIME TELEPHONE ()	EMAIL ADDRESS	

CERTIFICATION

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing and all information hereon, including any accompanying statements or documents, is true, correct and complete to the best of my knowledge and belief.

SIGNATURE OF CLAIMANT

TITLE

NAME OF PERSON MAKING CLAIM

DATE

INSTRUCTIONS FOR CLAIM FOR WELFARE EXEMPTION (FIRST FILING)**EXEMPTION FROM PROPERTY TAXES UNDER SECTIONS 4(b) AND 5 OF ARTICLE XIII OF THE CONSTITUTION OF THE STATE OF CALIFORNIA AND SECTIONS 214, 254.5 AND 259.5 OF THE REVENUE AND TAXATION CODE***(See also sections 213.7, 214.01-214.1, 215.2, 221-222.5, 225.5, 231, 236, 254-254.6, 259.5, 261, and 270-272 of the Revenue and Taxation Code)***FILING OF CLAIM**

A claim for the Welfare Exemption must be filed with the Assessor by the organization owning the property or, in the case where the real property is leased from a public owner (any local, state, or federal government agency), by the lessee organization having a taxable possessory interest¹ in the real property. Real property includes land and improvements. An officer or duly authorized representative of the organization filing the claim must sign the claim form. A separate claim form must be completed and filed for each property location for which exemption is being sought.

The organization filing the claim must provide information on all uses of the property, including information on use by other organizations. Each claim must contain supporting documents, including financial statements.

ORGANIZATIONAL CLEARANCE CERTIFICATE

An organization seeking the Welfare Exemption shall file with the State Board of Equalization (Board) a claim for an Organizational Clearance Certificate (OCC). The Board reviews each claim to determine whether the organization meets the requirements of section 214 and issues a certificate to claimants that meet these requirements. The Assessor may not approve a property tax exemption claim until the claimant has been issued a valid OCC. However, your organization may file a claim for exemption with the Assessor, even if the claimant has not yet received the certificate from the Board. If the claim is filed timely with the Assessor, the claim will be considered timely filed even if the claimant has not yet received the OCC from the Board.

To request an OCC, nonprofit organizations must file BOE-277 and limited liability companies must file BOE-277-LLC. These forms are available on the Board's website (www.boe.ca.gov) or by contacting the Exemptions Section at 1-916-274-3430.

RECORDATION REQUIREMENT

Revenue and Taxation Code section 261 requires that an organization claiming the Welfare Exemption for its real property must have recorded its ownership interest as of the lien date (12:01 a.m., January 1) in the recorder's office of the county in which the property is located.

A claimant which, on the lien date has a **possessory interest in publicly owned land, owns water rights, or owns improvements on land owned by another** may in lieu of recordation file a copy of the document giving rise to that possessory interest or water rights or file a written statement attesting to the separate ownership of those improvements with the Assessor. Failure to establish the fact of such recordation to the Assessor constitutes a **waiver** of the exemption.

TIME FOR FILING

To receive the full exemption, the claimant must **file a claim each year on or before February 15**. Only 90 percent of any tax or penalty or interest thereon may be canceled or refunded when a claim is filed between February 16 of the current year and January 1 of the following calendar year; if the application is filed thereafter, only 85 percent of any tax or penalty or interest thereon may be canceled or refunded. (For real property acquired after the January 1 lien date, to receive full exemption, the claim must be filed within 90 days from the first day of the month following the month in which the property was acquired, or by February 15 of the following calendar year, whichever occurs earlier. Refer to section 271.) ~~In no case, however, is the tax, penalty, and interest for a given year to exceed \$250. The combined tax, penalty or interest imposed on the eligible property may not exceed \$250.~~

BOARD-PREScribed FORMS REFERENCED ON THE CLAIM FORM AND IN THE INSTRUCTIONS

BOE-267-A, 20__ Claim For Welfare Exemption (Annual Filing)

BOE-267-H, Welfare Exemption Supplemental Affidavit, Housing – Elderly Or Handicapped Families

BOE-267-L, Welfare Exemption Supplemental Affidavit, Housing – Lower Income Households

BOE-267-L1, Welfare Exemption Supplemental Affidavit, Low-Income Housing Property Of Limited Partnership

BOE-267-O, Welfare Exemption Supplemental Affidavit, Organizations Operating On Claimant's Real Property

BOE-267-R, Welfare Exemption Supplemental Affidavit, Rehabilitation – Living Quarters

¹ A taxable possessory interest is defined as the taxable interest held by a private possessor in publically owned real property. (See Assessors' Handbook, Section 510, *Assessment of Taxable Possessory Interests* (Dec. 2002), page 1.)

BOE-277, Claim For Organizational Clearance Certificate – Welfare Exemption

BOE-277-LLC, Claim For Organizational Clearance Certificate – Welfare Exemption – Limited Liability Company

ADDITIONAL INFORMATION

In accordance with Revenue and Taxation Code section 254.5(b)(2), the assessor may institute an audit or verification of the operations of the owner or operator of the claimant's property to determine whether both the owner and operator meet the requirements of Revenue and Taxation Code section 214.

COMPLETION OF CLAIM FORM

All questions must be answered. Failure to answer all questions and provide requested information may result in denial of your claim. Leave no blanks; use "no," "none," or "not applicable" where needed. The following information is provided to assist you in answering specific questions on your claim.

The fiscal year for which exemption is being sought must be entered correctly. The proper fiscal year follows the lien date (12:01 a.m., January 1) as of which the taxable or exempt status of the property is determined. For example, a person filing a timely claim in February 2017 would enter "2017-2018"; a "2016-2017" entry on a claim filed in February 2017 would signify that a late claim was being filed for the preceding fiscal year.

Section 1. IDENTIFICATION OF PROPERTY

Identify the situs location (address, city, state, and zip code and city) and Assessor's Parcel Number of the property owned for which you are seeking exemption; when the property was put to exempt use; and check the appropriate box(es) to indicate type(s) of property. Claimant is responsible for filling out sections 2 through 4 depending on which box(es) are checked. Refer to P3 for the definition of real property and taxable possessory interest. Personal property is defined as all property except real property, such as office furniture, computers, and equipment.

Section 2. REAL PROPERTY Complete only if "Real Property" was checked under Section 1(d).

(a) If the exemption is being claimed for real property, enter the date on which the property was acquired.

(b)(1) Indicate the area and the unit of measurement used (acres or square feet.)

(c) (1) List all buildings and improvements on the land, using additional sheets if necessary. Describe as stucco, concrete and steel, brick, wood, etc.

(d) (b)(2) Describe the primary use which should qualify the property for exemption and the incidental use(s) of the property since January 1 of the prior year.

~~(c)(2) Describe the primary use and the incidental use(s) of the property since January 1 of the prior year.~~

(e)(5)(a) If the real property owned by the claimant is operated by another organization **more than once a week**, submit BOE-267-O. An organization using the property more than once a week is considered to be an operator. If an organization uses the property once a week or less, you do not need to complete BOE-267-O, but you must provide a copy of each organization's tax exempt status letter (sections 501(c)(3) or 501(c)(4) of the Internal Revenue Code or sections 23701d or 23701f of the California Revenue and Taxation Code). If the real property is used by another person, attach copies of leases or agreements.

Section 3. PERSONAL PROPERTY Complete only if "Personal Property" was checked under section 1(d).

Describe the type of personal property, and the primary use and incidental use(s) of the property since January 1 of the prior year. If yes to (c) or (d), then provide requested information.

Section 4. TAXABLE POSSESSORY INTEREST Complete only if "Taxable Possessory Interest" was checked under section 1(d).

Attach a copy of the current lease agreement, identify the public owner (local, state, or federal agency) of the publically owned land, buildings and/or improvements, and describe the type of property that is leased from the public owner.

Section 5. USE OF PROPERTY

(a)(1) (e) If **Yes**, describe in sufficient detail to determine the volume of business and the hours open for business since January 1 of the prior year. If a business operation located on the listed parcel has been deliberately omitted, because you do not desire the exemption on the business, so state. (a)(2) If Yes, submit BOE-267-R.

(b) (d) If **Yes**, describe the portion of the property used for living quarters. Submit documentation, including tenets, canons, or written policy, that indicates the organization requires housing be provided to employees and/or volunteers. Include a statement as to why such housing is incidental to and reasonably necessary for the exempt purpose of the organization and the occupant's role or position in the organization. (This question is not applicable where the exempt activity is providing housing, for example, homes for aged, youth, or mentally or physically disabled.) If living quarters are associated with a rehabilitation program, submit BOE-267-R.

~~(b) If the personal property owned by the claimant is used by others, attach copies of leases or agreements.~~

(Revisions from 7/28/16 proposed draft displayed in ~~strikeout~~ and underlined text)

(c) If **Yes**, submit BOE-267-L if owned by a nonprofit organization or limited liability company; submit BOE-267-L1 if owned by a limited partnership. ~~(e) If **Yes**, provide the names and addresses of the lessors and consignors and list the quantity and description of the property.~~

(d) If **Yes**, submit BOE-267-H, unless care or services are provided or the property is financed by the federal government under, including but not limited to, sections 202, 231, 236, or 811 of the Federal Public Laws. Submit documentation on the type of financing or care/services.

Section 6. UNRELATED BUSINESS TAXABLE INCOME

If **Yes**, provide the documents and other information requested.

Section 7. EXPANSION

If **Yes**, describe the type of investment contemplated and the reasons that make such expansion necessary.

Section 8. FINANCIAL STATEMENTS

Submit the financial statements reflecting the operation of the subject property. The income and expenses should include only those that result from operation of the property. If compensation of personnel or other administrative expenses are pro-rated to the property, such pro-rata should be indicated. If the nature of an item of income or expense is not clear from the account name, further explanation indicating the nature of the account should be appended. **Your claim will not be processed until the financial statements are received by the Assessor.**

Section 9. OTHER – EXEMPT ACTIVITY AND USE

Check the appropriate boxes to indicate the requested information.

20 CLAIM FOR WELFARE EXEMPTION (ANNUAL FILING)

To receive the full exemption, a claimant must complete and file this form with the Assessor by February 15.

Organization Name and Mailing Address: (Make necessary corrections in ink to the printed name and address.)

Property Location:

This organization owns rents/leases the real property at this location:

Property No.: _____ Class: _____

Last year your organization received the Welfare Exemption for all or part of the property your organization owns at the location listed above. To continue receiving the exemption for the property you own at this location, you **must** complete, sign and return this claim form to the Assessor. **A separate claim form is required for each location.**

A. If you no longer seek an exemption at this location, check here , sign and return this form to the Assessor. Date Vacated: _____

B. **Additionally, if** your organization is dissolved and therefore no longer needs an Organizational Clearance Certificate, check here

C. Check, if changed within the last year: Mailing Address Organization Name

D. Does your organization have a valid *Organizational Clearance Certificate* (OCC) issued by the State Board of Equalization? Yes No
If **yes**, enter OCC No. _____ and date issued _____

E. Have you amended the organization's formative documents (i.e., articles of incorporation, constitution, trust instrument, articles of organization) since last year? Yes No If **yes**, please mail a copy of the amendment to the State Board of Equalization, County-Assessed Properties Division, P.O. Box 942879, Sacramento, CA 94279-0064. Please include your OCC number. **(NOTE TO ASSESSOR STAFF Note to Assessors office:)** If the organization is dissolved or the formative documents were amended, please forward a copy of this page to the Board of Equalization.)

Read the information on the reverse side before completing. **All questions must be answered.** If the answer to any question is "YES," explain in an attachment or complete the referenced form. Contact the Assessor if any forms referenced below are needed to complete this application.

Identify the property that your organization **owns** at this location:

- Real property (land/buildings/improvements) Personal property Taxable Possessory Interest

YES NO Since January 1, last year:

- 1. Has the use on any portion of the property that received an exemption last year changed?
- 2. Is any portion of this property being used for exempt purposes that was not being used in that manner last year?
- 3. Is any portion of this property vacant or unused? If **yes**, since (date) _____ Area (sq.ft.) _____
- 4. Is any portion of this property used as a retail outlet or for other fundraising purposes? (**Note:** Thrift stores which are part of a planned, formal rehabilitation program may be exempt if BOE-267-R is filed with this claim.)
- 5. Is any portion of the property used for living quarters (other than transitional or emergency shelter, low-income housing or housing for the elderly or handicapped listed under questions 6 or 7)? If **yes**, and you claim exemption for this portion, submit documentation including the occupant's position or role in the organization including a statement indicating that the housing continues to be used for organization's exempt purpose (see *Housing on reverse*) or, if living quarters associated with a rehabilitation program, submit BOE-267-R.
- 6. Is this property used as low-income housing? If **yes**, and the property is owned by a nonprofit organization or eligible limited liability company, submit BOE-267-L. If **yes**, and the property is owned by a limited partnership, submit BOE-267-L1.
- 7. Is this property used as a housing for the elderly or handicapped? If **yes**, submit BOE-267-H unless care or services are provided or the property is financed by the federal government under, but not limited to, sections 202, 231, 236, or 811 of the Federal Public Laws.
- 8. Do other persons or organizations use any of this property? If **yes**, please provide a list including the name of user, frequency of use, amount received, and square footage used. If an organization uses your property more than once a week, submit BOE-267-O.
- 9. Did this or any portion of this property generate taxable "unrelated business taxable income," as defined in section 512 of the Internal Revenue Code? If **yes**, see "*Unrelated Income*" on the reverse.
- 10. Have the organization's income and/or expenses increased by more than 25 percent since last year? If **yes**, attach a copy of your most recent and the prior year's complete financial statements along with an explanation of increase.
- 11. Is there any equipment or property at this location that is leased or rented to the claimant? If **yes**, provide the owner's name and address and a description of the property. This property is taxable as it is not owned by the claimant.

NAME OF PERSON TO CONTACT FOR ADDITIONAL INFORMATION (please print)	DAYTIME TELEPHONE ()
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I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing and all information hereon, including any accompanying statements or documents, is true, correct and complete to the best of my knowledge and belief.

SIGNATURE OF CLAIMANT	TITLE	DATE
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EMAIL ADDRESS

ASSESSOR'S USE ONLY	Approved: <input type="checkbox"/> ALL <input type="checkbox"/> PART <input type="checkbox"/> Denied	Reason(s) for Denial:
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GENERAL INFORMATION

The Welfare Exemption is available only to property, real or personal, **owned** by a religious, charitable, hospital, or scientific organization and **used exclusively** for religious, charitable, hospital, or scientific purposes. It is also available on a taxable possessory interest in publically owned real property used for exempt purposes by an organization that qualifies for the welfare exemption. A public owner is a local, state or federal agency.

To be eligible for the full exemption, the claimant **must** file a claim each year on or before February 15. Only 90 percent of any tax, penalty, or interest may be canceled or refunded when a claim is filed between February 16 and December 31 of the current year. If the application is filed on or after January 1 of the next year, only 85 percent of any tax, penalty, or interest may be canceled or refunded. In no case, however, is the tax, penalty, and interest for a given year to exceed \$250. A separate claim must be completed and filed for each property for which exemption is sought.

In accordance with Revenue and Taxation Code section 254.5(b)(2), the assessor may institute an audit or verification of the operations of the owner or operator of the claimant's property to determine whether both the owner and operator meet the requirements of Revenue and Taxation Code section 214. **An organization using the property more than once a week is considered to be an operator.**

ORGANIZATIONAL CLEARANCE CERTIFICATE

The Assessor may not approve a property tax exemption claim until the claimant has been issued a valid *Organizational Clearance Certificate* (OCC) by the State Board of Equalization. If you are seeking exemption on this property, you must provide the organization's OCC No. and date issued. A listing of organizations with valid OCCs is available on the Board's website (www.boe.ca.gov) and can be accessed at www.boe.ca.gov/proptaxes/welfareorgeligible.htm. You may also contact the Board at 1-916-274-3430.

HOUSING

If question 5 is answered **yes**, describe the portion of the property used for living quarters (since January 1 of the prior year). Submit (1) documentation, including tenets, canons, or written policy, that indicates the organization requires housing be provided to employees and/or volunteers, or (2) include statement why such housing is incidental to and reasonably necessary for the exempt purpose of the organization. If the documentation described in items (1) or (2) has been submitted in a previous year for this location, please submit documentation including the occupant's position or role in the organization with a statement indicating that the housing continues to be used for organization's exempt purpose. (This question is not applicable where the exempt activity is **providing housing**.)

USE OF THE PROPERTY BY OTHER ORGANIZATIONS

If question 8 is answered **yes**, provide the requested information for persons and organizations using your property. If another organization uses the property **more than once a week**, submit BOE-267-O. If another organization uses the property **once a week or less**, and it was not previously identified on prior affidavits, submit a copy of the organization's tax-exempt status letter (sections 501(c)(3) or 501(c)(4) of the Internal Revenue Code or sections 23701d or 23701f of the California Revenue and Taxation Code).

UNRELATED BUSINESS TAXABLE INCOME

If question 9 is answered **yes**, you must attach the following to the claim:

- the organization's information and tax returns, including form 990T, filed with the Internal Revenue Service for its immediately preceding year;
- a statement setting forth the amount of time devoted to the organization's income-producing and to its non income-producing activities and, where applicable, a description of that portion of the property on which those activities are conducted;
- a statement listing the specific activities and locations which produce unrelated business taxable income; and
- a statement setting forth the amount of income of the organization that is attributable to activities in this state and is exempt from income or franchise taxation and the amount of total income of the organization that is attributable to activities in this state.

SIGNATURE

An officer or duly authorized representative of the organization **owning** the property must sign the claim.

ASSESSOR'S USE ONLY					
ASSESSED VALUES					
ITEM	TOTAL ASSESSED VALUE OF:				
	LAND	IMPROVEMENTS	PERSONAL PROPERTY	FIXTURES	TOTAL
ITEM	EXEMPTION ALLOWED				
	LAND	IMPROVEMENTS	PERSONAL PROPERTY	FIXTURES	TOTAL

If another exemption, such as the church, religious, etc., was allowed this year on a portion of the property described in the claim, indicate the type and amount of the exemption: _____ \$ _____
(type) (amount)

By _____
(Assessor or designee) (date)

Revised Propose for IP Meeting
(Revisions from 7/28/16 proposed draft displayed in strikeout and underlined text)

**WELFARE EXEMPTION SUPPLEMENTAL AFFIDAVIT,
 ORGANIZATIONS OPERATING ON CLAIMANT'S REAL PROPERTY**

This claim is filed for fiscal year 20__ - 20__.

This is a Supplemental Affidavit filed with:

- BOE-267, Claim For Welfare Exemption (First Filing)
- BOE-267-A, 20__ Claim For Welfare Exemption (Annual Filing)

Section 1. Identification of Claimant and Property

NAME OF ORGANIZATION	CORPORATE OR LLC ID NO. (if any)
ADDRESS OF PROPERTY (number and street)	
CITY, STATE, ZIP CODE	ASSESSOR'S PARCEL NUMBER

Section 2. Organizations Operating on the Property (Attach additional pages, if necessary)

a. NAME OF ORGANIZATION

b. DBA NAME, IF APPLICABLE:	c. NEW OPERATOR THIS YEAR? <input type="checkbox"/> Yes <input type="checkbox"/> No EFFECTIVE DATE:
d. TAX EXEMPT STATUS: <input type="checkbox"/> Section 501(c)(3) of the Internal Revenue Code <input type="checkbox"/> Section 23701d of the Revenue and Taxation Code (Submit copy of tax exempt status letter, if not submitted with a previous filing.)	e. PURPOSE(S) ORGANIZED FOR: <input type="checkbox"/> Charitable <input type="checkbox"/> Religious <input type="checkbox"/> Hospital <input type="checkbox"/> Scientific

f. DESCRIPTION OF PROPERTY USED BY THE ORGANIZATION LISTED IN 2(a) ABOVE (type of property and portions of property used, including square footage used):

g. CURRENT LEASE OR AGREEMENT ATTACHED? <input type="checkbox"/> Yes <input type="checkbox"/> No, submitted with a previous filing <input type="checkbox"/> No written agreement	h. RENT OR FEES RECEIVED FROM OPERATOR (amount and frequency):
---	--

i. DESCRIPTION OF THE OPERATOR'S USE OF THE PROPERTY (description and frequency of use):

a. NAME OF ORGANIZATION

b. DBA NAME, IF APPLICABLE:	c. NEW OPERATOR THIS YEAR? <input type="checkbox"/> Yes <input type="checkbox"/> No EFFECTIVE DATE:
d. TAX EXEMPT STATUS: <input type="checkbox"/> Section 501(c)(3) of the Internal Revenue Code <input type="checkbox"/> Section 23701d of the Revenue and Taxation Code (Submit copy of tax exempt status letter, if not submitted with a previous filing.)	e. PURPOSE(S) ORGANIZED FOR: <input type="checkbox"/> Charitable <input type="checkbox"/> Religious <input type="checkbox"/> Hospital <input type="checkbox"/> Scientific

f. DESCRIPTION OF PROPERTY USED BY THE ORGANIZATION LISTED IN 2(a) ABOVE (type of property and portions of property used, including square footage used):

g. CURRENT LEASE OR AGREEMENT ATTACHED? <input type="checkbox"/> Yes <input type="checkbox"/> No, submitted with a previous filing <input type="checkbox"/> No written agreement	h. RENT OR FEES RECEIVED FROM OPERATOR (amount and frequency):
---	--

i. DESCRIPTION OF THE OPERATOR'S USE OF THE PROPERTY (description and frequency of use):

a. NAME OF ORGANIZATION

TAX EXEMPT STATUS: <input type="checkbox"/> Section 501(c)(3) of the Internal Revenue Code <input type="checkbox"/> Section 23701d of the Revenue and Taxation Code	PURPOSE(S) ORGANIZED FOR: <input type="checkbox"/> Charitable <input type="checkbox"/> Religious <input type="checkbox"/> Hospital <input type="checkbox"/> Scientific
--	---

DESCRIPTION OF PROPERTY USED BY THE ORGANIZATION LISTED IN 2(a) ABOVE (type of property and square footage used):

CURRENT LEASE OR AGREEMENT ATTACHED? <input type="checkbox"/> Yes <input type="checkbox"/> No, submitted with a previous filing <input type="checkbox"/> No written agreement	RENT OR FEES RECEIVED FROM OPERATOR (amount and frequency):
--	---

DESCRIPTION OF THE OPERATOR'S USE OF THE PROPERTY (description and frequency of use):

Revised Propose for IP Meeting*(Revisions from 7/28/16 proposed draft displayed in ~~strikeout~~ and underlined text)***THIS DOCUMENT IS SUBJECT TO PUBLIC INSPECTION****CERTIFICATION**

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing and all information hereon, including any accompanying statements or documents, is true, correct and complete to the best of my knowledge and belief.

SIGNATURE OF <u>CLAIMANT PERSON MAKING CLAIM</u>	TITLE
<u>NAME OF PERSON MAKING CLAIM</u>	DATE

**INSTRUCTIONS FOR FILING
WELFARE EXEMPTION SUPPLEMENTAL AFFIDAVIT
ORGANIZATIONS OPERATING ON CLAIMANT'S REAL PROPERTY**

FILING OF AFFIDAVIT

This affidavit must be filed by the owner of real property seeking exemption on real property ~~operated-used~~ by another organization more than once a week, considered to be an operator. A separate affidavit must be filed for each location. This affidavit supplements the claim for welfare exemption, which must be filed with the county assessor by February 15 to avoid a late filing penalty under Revenue and Taxation Code section 270. If you do not complete and file this form, you may be denied the exemption.

The owner of a property must hold a valid Organizational Clearance Certificate (OCC) issued by the State Board of Equalization (Board) before an Assessor can approve a property tax exemption. In order for the owner to receive exemption on the property, the operator of the property must be organized for welfare exempt purposes and the property must be used for welfare exempt purposes. The owner may demonstrate qualification for exemption by furnishing information to the Assessor regarding each operator (and the operator's use of claimant's property; this affidavit is used to provide such information).

In accordance with Revenue and Taxation Code section 254.5(b)(2), the assessor may institute an audit or verification of the operations of the owner or operator of the claimant's property to determine whether both the owner and operator meet the requirements of Revenue and Taxation Code section 214.

SECTION 1. Identification of Claimant and Property.

Identify the name of the organization that owns the real property (the claimant), and the address and Assessor's Parcel Number of the property on which the exemption is being sought. Provide the organization's corporate identification number, if it is a nonprofit corporation, or number assigned by the Secretary of State, if it is a limited liability company.

SECTION 2. Organization(s) Operating on the Property.

Provide the name of the organization(s) operating on the property and the purpose(s) of each organization.

Check the appropriate box(es) to indicate if the operator is exempt from federal income tax under the provisions of section 501(c)(3) of the Internal Revenue Code and/or exempt from state franchise or income tax under the provisions of section 23701d of the Revenue and Taxation Code. If you are filing this affidavit with the *Claim for Welfare Exemption (First Filing)* (BOE-267), submit a copy of the tax exempt status letter of each operator. If you are filing this affidavit with your annual filing (BOE-267-A), and the property is operated by any organization(s) not previously identified on prior affidavits, submit a copy of the tax exempt status letter for each new operator.

Provide a description of the property used by each operator, including the square footage used; attach a copy of the lease or agreement for use of the property, if a current copy has not already been provided with a previous claim filing; state the amount and frequency of any rent or fees paid by the operator; and provide a description of how the operator uses the property, including the frequency of use.