

Property Tax Exemptions for Religious Organizations

Church Exemption, Religious Exemption,
and Religious Aspect of the Welfare Exemption

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INTRODUCTION

This publication is a guide for organizations that wish to file for and receive a property tax exemption on qualifying church property. It provides basic, general information on the California property tax laws that apply to the exemption of property used for religious purposes.

We use the word “church” in this publication as a generic term because the exemption for property used exclusively for religious worship is called the “Church Exemption” (see first bullet, below). The word is not meant to refer to any particular religious faith.

California property tax laws provide for three exemptions that may be claimed on church property:

- The *Church Exemption*, for property that is owned, leased, or rented by a religious organization and used exclusively for religious worship services.
- The *Religious Exemption*, for property owned by a religious organization and used exclusively for religious worship services, and certain school activities. The exemption may also apply to leased personal property.
- The *Welfare Exemption*, for property owned by a religious organization and used exclusively for one or more of the above activities or any other religious activities. The exemption may also apply to leased property if *both* the lessor and lessee qualify. In other words, both the organization and property use must qualify for the exemption.

The exemptions apply to property taxes but not to special assessments such as district taxes.

For purposes of these exemptions, the term “used exclusively” means that the property is used exclusively for the stated exempt purpose and excluding any other use. However, uses that are incidental to or reasonably necessary to accomplish the organization’s exempt purpose are also allowed. Incidental uses must be directly connected with the exempt purpose and advance that purpose.

The Church Exemption and Religious Exemption are administered by the assessor of the county where the property is located. The State Board of Equalization’s (BOE) role is to establish the forms and procedures necessary to claim these exemptions and to provide guidance to county assessors and others. The Welfare Exemption is administered jointly by the county assessor and the BOE.

In some cases, the requirements for obtaining a Church, Religious, or Welfare Exemption are complex for first-time filers. The county assessor and the BOE will provide guidance to help you obtain exemptions. But the assessor can grant a full exemption *only* if you file the proper claim form on time and show that the use of the property (or intended use if the property is under construction or newly acquired) qualifies it for the exemption.

This publication includes chapters that explain the exemptions and filing dates. It also includes exhibits you may find useful. They contain forms lists and indexes to the laws that apply to each of the exemptions covered by this publication.

If you would like to read the actual laws you can find the code sections on the Internet at www.leginfo.legislature.ca.gov/.

In addition, Assessors’ Handbook Section 267, *Welfare, Church, and Religious Exemptions*, discusses exemption requirements. The handbook is available on our website on the Assessors’ Handbook page: www.boe.ca.gov/proptaxes/ahcont.htm.

This publication discusses only property tax exemptions.

If you have questions after reviewing this publication, please contact your county assessor's office or the:

County-Assessed Properties Division, MIC:64
State Board of Equalization
PO Box 942879
Sacramento, CA 94279-0064
Phone: 1-916-274-3350

Please note: This publication contains general information and is current as of the cover date. The law is complex and subject to change. If there is any conflict between the text of this publication and the law, any decisions will be based on the law and not the publication.

TERMS USED IN THIS PUBLICATION

Religion

The courts have defined a “religion” as having the following elements:

- A belief, not necessarily referring to supernatural powers,
- A cult involving a gregarious association openly expressing the belief (see *Note*, below),
- A system of moral practice directly resulting from adherence to the belief, and
- An organization within the cult designed to observe the tenets of the belief.

The *content* of a religious belief is not a matter of government concern. Neither the county nor the state should question the validity of a religious belief.

Note: In this context, a “cult” simply means a group of people who follow a system of religious beliefs and rituals.

Worship

The courts have defined “worship” as the formal observance of religious tenets or beliefs. Activities eligible for the Church Exemption are limited to “traditional ceremonial functions.”

Traditional ceremonial functions include regularly scheduled services attended by the full congregation of the church. They also include services attended by only some members of the congregation, such as weddings, funerals, baptisms, confirmations, Bar and Bat Mitzvahs, and similar ceremonies.

Real property

Real property means land or improvements. Real property is also the possession of, claim to, ownership of, or right to the possession of, land and improvements.

Improvements

Improvements include buildings, structures, fixtures, and fences erected on or attached to the land. Improvements also include fruit, nut-bearing, or ornamental trees and vines that are not growing naturally and that are not otherwise exempt from property tax, except date palms less than eight years old.

Personal property

Personal property is physical (“tangible”) property other than real property. Typical examples for purposes of this publication include furniture, instruments, books, banners, audiovisual equipment, candles, and other materials commonly used by religious organizations.

CHURCH EXEMPTION

Property Eligible for the Church Exemption

In general

The Church Exemption is available for buildings, the land they sit on, and personal property used *exclusively for religious worship* as of 12:01 a.m. on the January 1 property tax lien date. It is also available for property the church uses for parking.

Typical church activities that qualify property for the Church Exemption include the following:

- Regularly scheduled worship services with attendance and participation of the complete congregation.
- Sacramental activities such as baptisms, confirmations, Bar and Bat Mitzvahs, weddings, and funerals.
- Incidental and necessary uses of the property that support the primary religious worship use, such as administration, business meetings of the church governing body, religious instructional sessions, choir practice, and most activities of auxiliary organizations that answer to the local church authority.
- Sales of religious material to people attending worship services or from a church-operated reading room located on the same property as the church.
- Property *owned by the church* and needed to park the vehicles of those who attend or participate in religious worship provided that fees charged for parking do not exceed costs of operation and maintenance.
- Property *leased to the church* and needed to park the vehicles of those who attend or participate in religious worship when *all* of the following conditions are met:
 - ◆ The congregation has no more than 500 members.
 - ◆ The land and improvements are used only for qualified parking.
 - ◆ The lease requires the church to pay property taxes.
 - ◆ The county and the lessor (property owner) agree that the owner will pay real property taxes during a specified period if the leased property is used for a purpose other than qualifying parking.

Exception: The exemption may apply when other organizations use the church's property. Examples of uses that do not disqualify the property for the exemption include:

- Incidental use by nonprofit, charitable groups such as Boy or Girl Scouts, 4-H, or civic improvement groups. The incidental use may not interfere with the use of the property for religious worship. In addition, the church may not charge the organizations for the incidental use, except to recover the church's ordinary and necessary expenses for making the facility available for that use, such as janitorial and utility costs.
- Religious worship conducted by another church.

Caution: Before allowing another organization to use your church property, you should first determine whether the proposed use will disqualify the property from the Church Exemption. You may want to contact your assessor or the BOE to determine whether the proposed use meets the requirements of the exemption.

Property under construction or demolition

Buildings under construction or in the course of construction, land required for their convenient use, and equipment in them may be eligible for the exemption if the intended use would qualify the property for the Church Exemption. "Course of construction" includes the demolition of a building with the intent to replace it with facilities that will be used only for an eligible activity.

Property acquired after the January 1 lien date

Property acquired by an existing or newly formed organization on or after the January 1 lien date may be eligible for a full or partial exemption (see *Note*, below). Both of the following conditions must be met:

- A qualifying use or preparation for a qualifying use (construction, painting, remodeling, and similar activities) must start immediately after the acquisition.
- The building must be completed and used in a way that qualifies it for the exemption without unnecessary delay.

Note: Newly acquired or constructed property is subject to two property tax assessments: a regular (“roll”) assessment and a “supplemental” assessment. The exemption rules are different for each assessment. Your county assessor can explain them to you.

Property leased to church

Whether owned by the church or leased to it, property is eligible for the Church Exemption as long as it is used only for religious worship or for parking by people attending a church activity (see [previous page](#)). Leased property will qualify for the exemption only if the church leases it *by the January 1 lien date*.

The law provides that the reduction in property taxes on leased property granted the Church Exemption must benefit the church. If the lease or rental agreement does not state that the rent has already been reduced to reflect the property tax exemption, the church must receive a future rent reduction in proportion to the tax reduction that results from the exemption. Or if the church has already paid rent on months covered by the exemption, the landlord must make a proportional, prorated refund.

Filing for the Church Exemption

Original filing

To apply for the Church Exemption, a claim form must be filed *each year* with the assessor of the county where the property is located. If a church owns and uses property and also allows another church to use that property, *both churches* must file Church Exemption claim forms. In the case of leased property,

- The church or religious organization leasing the property (lessee) may file a Church Exemption claim form, or
- The owner/lessor may file a *Lessor’s Exemption Claim* form and have the user/lessee church complete the affidavit stating that the user/lessee church uses the property only for religious worship.

The appropriate forms are available from the county assessor. They are BOE-262-AH, *Church Exemption Claim*, and BOE-263, *Lessors’ Exemption Claim*.

For filing deadlines, see [Filing deadlines](#), which begins on page 13.

Annual filing

You must file for the Church Exemption every year. After the exemption is originally granted, the county assessor will mail you an exemption form before the January 1 lien date. (*Exception:* The assessor will not mail forms to owners of property sold during the year.) If you have been granted a Church Exemption and do not receive a form in early January, be sure to contact the assessor immediately.

RELIGIOUS EXEMPTION

Property Eligible for the Religious Exemption

In general

The Religious Exemption is available for certain real property owned by a church (“owner church”). It may also be available for personal property.

The exemption is available for the real and personal property of an owner church that:

- Conducts worship services on the property, or
- Conducts worship services on the property and operates one or more schools on the same property, specifically preschools, nursery schools, kindergartens, elementary schools, secondary schools, or any combination. The exemption is *not* available if the only school on the property is a college-level school. But it is available if the church operates a college-level school *and* schools of less than college level on the property.

Property used *only* for school purposes does not qualify for the Religious Exemption, but it may qualify for the Welfare Exemption (see [page 8](#)).

The Religious Exemption is also available for property owned and operated by a church and used for religious worship or religious worship and school purposes when the owner allows another church (“user church”) to do any of the following:

- Use the property part-time for religious worship.
- Operate a school as described in the second bullet above.
- Use the property part-time for religious worship or to operate a school as described.

The user church may be able to obtain the Religious Exemption on its personal property. In this situation, both churches must file for the Religious Exemption.

Examples

Church conducting worship services and operating a church school on its own property. Alpha Church owns a church building, a dining/social hall, a gym, ball fields, parking, and classroom buildings. Alpha Church conducts worship services in the church building and operates a K-12 school on the rest of the property. Alpha Church can file for the Religious Exemption for its real and personal property.

Church conducting worship services and operating school on another church’s property. Alpha Church, described in the example above, allows Beta Church to conduct worship services in Alpha’s church building on Sunday evening and to operate a preschool in one of its classrooms. Beta Church can file for the Religious Exemption for its personal property only. To receive an exemption, both churches must file claim forms.

Additional eligible property

In addition to the property described above, the following property is eligible for the Religious Exemption:

- Under certain conditions, property owned by the church and needed for church parking.
- Property owned by the church and leased to a public school for public school purposes, provided the church files an annual Lessors’ Exemption Claim form.
- All of the activities listed for the Church Exemption on page 4, provided the property is owned by the church.
- Buildings under construction or in the course of construction, land required for their convenient use, and equipment in them if the intended use would qualify the property for exemption. “Course of construction” includes the demolition of a building with the intent of replacing it with facilities that will be used exclusively for an eligible activity.

- Property acquired on or after the January 1 lien date, provided (1) a qualifying use or preparation for a qualifying use (construction, painting, remodeling, etc.) starts immediately after the acquisition, and (2) the building is then completed and used in an exempt way without unnecessary delay.

Other uses

Caution: Before allowing another organization to use your property, you should first determine whether the proposed use will disqualify the property from the Religious Exemption. You may want to contact your assessor or the BOE to determine whether the proposed use meets the requirements of the exemption.

Property used for religious worship or religious worship and school purposes may remain eligible for the exemption if the property is used for incidental purposes by nonprofit, charitable local civic groups on an occasional basis, for example, occasional meetings of Boy or Girl Scouts, 4-H, or nonprofit charitable groups. The incidental, occasional use may not interfere with the use of the property for religious worship or religious schools. In addition, the church may not charge the organizations for this use, except for the ordinary and necessary amounts the church pays to make the facility available for that use, such as janitorial and utility costs.

Please note: If the use of a church property by an unrelated nonprofit organization does not meet the conditions described on the previous page, the property would not be eligible for the Religious Exemption. However, the property might be eligible for the Welfare Exemption.

Filing for the Religious Exemption

One-time filing

You only need to apply one-time for the Religious Exemption. Once it is granted, the exemption remains in effect until it is terminated or the property is no longer eligible.

Original filing

To apply for the Religious Exemption, the church must file a claim BOE-267-S, *Religious Exemption*, with the county assessor where the property is located (a listing of assessors is available on the BOE's website at www.boe.ca.gov, and can be accessed by selecting: (1) Property Tax, (2) Assessors). The form is available from the county assessor.

For filing deadlines, see [Filing deadlines](#), which begins on page 13.

Annual change in eligibility or termination notice

Once the Religious Exemption has been established, the county assessor must mail BOE-267-SNT, *Religious Exemption Change in Eligibility or Termination Notice*, each year to property owners who received the exemption in the prior year. The notice asks whether the property is still being used for an exempt purpose. It serves as a reminder to terminate or modify the exemption if:

- The property has been sold, or
- On January 1 of the current year, all or a portion of the tax-exempted property is used for an activity that does not qualify for the exemption.

If a portion of the property that was denied the exemption in the prior year is now being used for an eligible activity, you should notify the county assessor so that the exemption can be adjusted to reflect the change.

Penalties of up to \$250 apply if the property owner does not notify the county assessor and terminate the exemption when the property is no longer eligible.

You should return the form by the deadline specified on it. However, the law allows you to file a termination notice as late as February 15, or by 5 p.m. the next business day if February 15 is a Saturday, Sunday, or legal holiday.

WELFARE EXEMPTION (RELIGIOUS ASPECT)

Property Eligible for the Welfare Exemption

The Welfare Exemption is available for property *owned by a religious organization* that uses the property *exclusively for religious purposes*, including worship and school activities. While this publication discusses only how the Welfare Exemption relates to property owned by religious organizations, the exemption is also available for property owned by other organizations and used exclusively for charitable, scientific, or hospital purposes.

Eligible property uses

Certain uses of property by a church or religious organization do not qualify for the Church or Religious Exemption. However, they may qualify for the Welfare Exemption. Eligible uses include, but are not limited to:

- Administrative offices for two or more churches (such as diocese or district headquarters).
- Social halls, community centers, and youth centers.
- The primary residence of clergy (for example, pastor, minister, rabbi, imam, or priest) when the use of the property is incidental to and reasonably necessary to accomplish the nonprofit religious organization's exempt purpose.
- Retreats, monasteries, convents, housing for missionaries on furloughs, and housing for certain other employees and volunteers.
- Reading rooms not located on the church premises.
- Novitiates and seminaries. *Please note:* Some seminaries should file for the College Exemption instead—contact your county assessor for information.
- Housing for aged people or people with disabilities, orphanages, rescue missions, halfway houses for ex-addicts or parolees, and lower-income housing.
- Camps and conference grounds.
- Hospitals.
- Social welfare and relief for the needy (actual aid—money, meals, etc.).
- Emergency or temporary shelters and related facilities for homeless individuals and families.
- Regularly operated thrift stores *only* when they are part of a planned rehabilitation program for people with mental disabilities, physical disabilities, or both.
- Bingo, when allowed by local ordinances, provided the property is primarily used for exempt activities and the bingo proceeds are used for the organization's religious purposes. A property used primarily or solely for playing bingo, such as a bingo parlor, does not qualify.
- Property needed for parking the vehicles of people participating in a religious activity.

Property under construction or demolition

Buildings under construction or in the course of construction, land required for their convenient use, and equipment in them may be eligible for the exemption if their intended use would qualify the property for the Welfare Exemption. "Course of construction" includes the demolition of a building with the intent to replace it with facilities that will be exclusively used for an eligible activity.

Property acquired after the January 1 lien date

Property acquired after the January 1 lien date may be eligible for the exemption provided both of the following conditions are met:

- A qualifying use or preparation for a qualifying use (construction, painting, remodeling, and so forth) starts immediately after the acquisition.
- The building is completed and used in a way that qualifies for the exemption without unnecessary delay.

Real and personal property leased to a claimant

Leased property is not eligible for the Welfare Exemption unless both the owner and operator are eligible organizations.

Property owned by a claimant and used by others

Property, or portions of the property, owned by a claimant and used by another organization is not eligible for the Welfare Exemption unless certain specific requirements are met. Some of these requirements are complex, especially for the first-time filer. Before allowing another organization to use the property you own, you should first determine whether the proposed use will disqualify the property from the Welfare Exemption. You may want to contact your assessor or the BOE to determine whether the proposed use meets the requirements of the exemption.

Property owned by one organization and eligible for the Welfare Exemption may still qualify for the exemption when used by another organization (“user organization”) provided one of the following applies:

1. The user organization must qualify as a tax-exempt organization under Internal Revenue Code section 501(c)(3) or 501(c)(4) or California Revenue and Taxation Code sections 23701d, 23701f, or 23701w. The property owner must provide the assessor with a copy of the user organization’s current valid letter(s) or ruling(s) from the Internal Revenue Service or Franchise Tax Board when filing a claim.
 - a. If the user organization uses the property regularly (operator), use of the property is for a welfare-exempt purpose (charitable, religious, hospital, or scientific).
 - b. If the user organization uses the property once a week or less (for example, meetings), use of the property is incidental to the organization’s primary activities and are not for fundraising meetings or activities (the direct solicitation of money, property, or goods).

Requirement number 1b above is the most complex. In general, the requirement permits some uses of the property by charitable and nonprofit fraternal and trade organizations. However, a group may not use the property for fraternal, lodge, or social club purposes or for fundraising since those purposes are not religious, hospital, scientific, or charitable.

2. The user organization is a public school or an exempt government entity that uses the property for an activity that would qualify for the exemption if carried out by the property owner. The property owner must file a copy of the lease agreement with the exemption claim form.

Filing for the Welfare Exemption

The Welfare Exemption is administered jointly by the county assessor and the BOE. The BOE determines whether an organization is *eligible* for the Welfare Exemption, and the county assessor determines whether an organization’s property *qualifies* for the exemption, based on the use of the property. Filing for the exemption is a two-step process:

- Filing for an *Organizational Clearance Certificate* with the BOE.
- Filing a Welfare Exemption claim with the county assessor.

Filing for an Organizational Clearance Certificate with the Board of Equalization

To be eligible for the Welfare Exemption on its property, an organization must first obtain an *Organizational Clearance Certificate* from the BOE.

Qualifications. To qualify for an *Organizational Clearance Certificate*, a religious organization must meet all of the following conditions:

- The claimant must be a nonprofit organization (corporation, association, trust, limited liability company [LLC]).
- The organization must be exempt from federal or state income taxes under Internal Revenue Code section 501(c)(3) or Revenue and Taxation Code section 23701d.
- The organization must be exclusively organized and operated for religious purposes.
- The religious organization's formative documents (articles of incorporation for corporations, articles of organization for LLCs, or comparable instruments for unincorporated entities: bylaws, trust, articles of association) must include two statements: an "irrevocable dedication" clause and a "dissolution clause." The irrevocable dedication clause must state that the organization's property is irrevocably dedicated to religious purposes. The "dissolution clause" must state that upon liquidation, dissolution, or abandonment of the owner, the organization's assets will be distributed to a fund, foundation, or corporation exclusively organized and operated for religious, charitable, hospital, or scientific purposes or any combination of those purposes.
- The organization's employee compensation is consistent with that provided for similar jobs in the same geographic area, and the organization uses its resources to further its exempt purpose rather than to provide significant personal benefit to anyone. Excessive compensation or the use of organizational resources for private benefit may be considered "private inurement," which means the improper transfer of the organization's income or assets to an individual solely because of a close association with the organization and not to further its exempt purpose.

Filing process. To request an *Organizational Clearance Certificate*, you must file claim BOE-277, *Claim for Organizational Clearance Certificate – Welfare Exemption*, or claim BOE-277-LLL, *Claim for Organizational Clearance Certificate - Welfare Exemption - Limited Liability Company*, with the BOE. The forms are available on the BOE's website and can be accessed at www.boe.ca.gov/proptaxes/welfareclaimforms.htm.

When you file for the first time, you must submit the following documents with your claim form:

- A certified copy of articles of incorporation, articles of organization, or comparable instrument for an unincorporated entity (bylaws, articles of association, constitution), with all amendments and revisions.
- A letter showing that the organization is exempt from federal income tax under Internal Revenue Code section 501(c)(3) or state franchise or income tax under Revenue and Taxation Code section 23701d. If your organization is a nonprofit, limited liability company (LLC), you must submit the tax-exempt letters for all LLC members (except a member that is a government entity).
- Financial statements: balance sheet and income statement.
- Documents showing the type of activities conducted by your organization.

Certificate issuance. The BOE will review the documents you submit and determine whether your organization is eligible for the Welfare Exemption. If it is, the BOE will issue a BOE-277-OC, *Organizational Clearance Certificate for Welfare or Veterans' Organization Exemption*. The certificate is valid until the BOE determines that your organization no longer meets the requirements. The BOE maintains a list of organizations that have valid certificates, which is posted on its website at www.boe.ca.gov/proptaxes/welfareorgeligible.htm.

If the BOE determines that your organization is not eligible for the exemption, staff will notify you on a BOE-277-F, *Welfare or Veterans' Organization Exemption, Organizational Clearance Certificate Finding Sheet*.

Original filing with the county assessor

In addition to filing a claim for an *Organizational Clearance Certificate*, you must file a Welfare Exemption claim with the county assessor in the county where you own real or personal property and are seeking the Welfare Exemption. To request the Welfare Exemption, you must file BOE-267, *Claim for Welfare Exemption (First Filing)*. Welfare Exemption claim forms, also known as affidavits, are available from the assessor.

For filing deadlines, see [Filing deadlines](#), which begins on page 13.

Qualifications review. The assessor will review your claim to determine whether the *use of the property* qualifies for the exemption. An eligible religious organization must use the property only for religious, or religious-charitable purposes and activities. The assessor may not approve a claim until the organization has a BOE-Issued *Organizational Clearance Certificate*.

The assessor will check to see whether all of these required conditions apply:

- The real property is recorded in your organization's name (not required if you have a taxable "possessory interest" in [right to use] public property).
- The property is used for an eligible activity and does not exceed the amount of property reasonably necessary to accomplish the exempt purpose.
- The property is used for an eligible activity and, except for occasional fundraising activities, not for commercial, profit-making purposes unrelated to the organization's exempt purpose. See [Eligible property uses](#), on page 8. *Note:* This restriction generally does *not* apply to income an organization generates in the course of carrying out its exempt purpose. For example, a hospital may charge its patients and a nonprofit school may charge tuition.
- The property, or any portion of it, is not leased to a person or entity for an unrelated purpose that does not qualify for the exemption.
- The property, or any portion of it, is not leased systematically to generate rental revenue.
- Your organization has a valid *Organizational Clearance Certificate* issued by the BOE.

Annual filing

You must file a claim for the Welfare Exemption every year. After you are granted exemption on a property, you will need to file BOE-267-A, *Claim for Welfare Exemption (Annual Filing)*, by the deadlines shown on [page 13](#) (February 15 for full exemption, later for partial exemption). The assessor should send you a form each year. But you are required to file an annual form whether or not you receive one from the assessor.

PROPERTY THAT DOES NOT QUALIFY FOR ANY EXEMPTION

Contrary to common belief, some property owned by religious organizations does not qualify for any property tax exemption. Typical examples are explained below.

Vacant, unused, or excess property

Property that is vacant, unused, or excess on the January 1 property tax lien date is not eligible for exemption for the following reasons:

- Revenue and Taxation Code section 206 requires exclusive use of property for *religious worship purposes*.
- Revenue and Taxation Code section 207 requires exclusive use of property for religious worship *and school activities*.
- Revenue and Taxation Code section 214, subdivision (a) requires exclusive use of property for the organization's exempt purpose. Section 214, subdivision (a)(3) requires use of the property for the actual operation of an exempt activity.

The intent to use the property at a later date does not make the property eligible. The assessor cannot allow an exemption until the January 1 lien date after a qualifying use begins.

In this context, "excess property" is property in excess of what your organization reasonably needs or is using for your exempt purposes and activities.

Property under construction or demolition

Property acquired before the January 1 lien date. An exemption cannot be granted under Revenue and Taxation code sections 206, 207, 214.1, or 214.2 on property acquired before the January 1 property tax lien date of the year in which the exemption is first claimed if construction, demolition, or remodeling of an existing structure has not started as of that January 1 lien date.

However, property acquired *after* the January 1 lien date may qualify for a full or partial Church, Religious, or Welfare Exemption as of the acquisition date under Revenue and Taxation Code section 271 (see *Please note* below), provided both of the following conditions are met:

- Construction, demolition, remodeling, and so forth starts immediately after the acquisition.
- The building is then completed and used in a way that qualifies for the exemption without unnecessary delay.

The *intent* to begin construction, demolition, or remodeling, and a qualifying use at a later date does not qualify the property for the exemption.

Please note: Newly acquired or constructed property is subject to two property tax assessments: a regular ("roll") assessment and a "supplemental" assessment. The exemption rules are different for each assessment. Your county assessor can explain them to you.

Property used for fundraising (commercial in nature)

An organization's use of its property on a regular basis for fundraising activities that are commercial in nature and compete with business enterprises may be grounds for denying an exemption. Competitive and commercial fundraising activities are viewed as revenue-generating activities unrelated to an organization's exempt purpose even when the proceeds are used for exempt purposes and activities.

Thrift stores

Thrift stores are not eligible for exemption unless they are part of a planned, formal rehabilitation program. In those cases, they may be exempt under the Welfare Exemption (see [page 8](#)).

FILING DEADLINES

The filing deadlines for the original filing for the Church, Religious, and Welfare Exemptions and the annual filing for the Church and Welfare Exemptions are the same (see *Please note* below). All deadlines listed in this section are extended to the next business day if they occur on a Saturday, Sunday, or legal holiday. For mailed claims, the postmark date is considered the filing date.

Please note: You only need to apply one-time for the Religious Exemption. Once it is granted, the exemption remains in effect until it is terminated or the property is no longer eligible. A notice is sent to the property owners who received the exemption in the prior year. The assessor requests that you return the notice to verify that the property continues to be used for exempt activities or to provide notification to the assessor that the property is no longer eligible for exemption.

Property owned or leased on the January 1 lien date

To be eligible to receive the full 100 percent exemption, you must file a claim form with the county assessor by February 15 for property you own or lease on the January 1 lien date.

For example, to be eligible for the 100 percent exemption for fiscal year 2018-19, which runs from July 1, 2018, through June 30, 2019, you must file the claim by February 15, 2018.

Late claims

If you file the exemption claim after February 15, you are still eligible for an exemption. If you file a claim:

- From February 16 through December 31, 90 percent of any tax, penalty, or interest can be cancelled or refunded.
- On or after the following January 1, 85 percent of any tax, penalty, or interest can be cancelled or refunded.

If property taxes have been paid on property eligible for the exemption, you may file a late claim up to four years from the date the tax was originally paid. If the exemption is granted, the county will refund the taxes to whoever paid them (see *Please note*, below). The law limits refunds paid, to four years from the date payment was made.

Example

On December 9, 2015, you paid the first installment for property tax assessed for fiscal year July 1, 2015, through June 30, 2016. To receive a refund of the tax you paid, you must file an exemption claim no later than December 8, 2019— four years after you originally paid the tax.

Please note: If you file a late claim, the late filing provisions of section 270 apply to the 90 percent and 85 percent cancellation or refund stated above. However, the combined tax, penalty, and interest may not exceed \$250. The late-filing penalty does not apply to notice sent to property owners who received the Religious Exemption in the prior year unless the property is no longer eligible for exemption.

Property acquired after the January 1 lien date

If your church or religious organization acquires property after the January 1 property tax lien date, you may file for the exemption provided you immediately use the property in a way that qualifies for the exemption. To receive the exemption, you must file by whichever one of the following occurs first:

- Within ninety days of the first day of the month following the month in which you acquired the property. For example, if you acquired the property on May 15, 2018, you would need to file within 90 days of June 1, 2018.
- By February 15 of the following year.

If you file a claim for property acquired after this deadline, 85 percent of any tax, penalty, and interest paid can be refunded, or 85 percent of any tax, penalty, or interest due can be cancelled.

If your organization has not previously been granted an exemption for other property, you must file two claim forms for property you acquire between January 1 and May 31: one for a prorated exemption through June 30 (current fiscal year) and one for the full exemption for the fiscal year starting July 1.

Property that is not used within 180 days after the date of the change in ownership for an exempt purpose is taxable and may not be considered for the exemption until the next January 1 lien date.

Organizations that form after the January 1 lien date

Organizations that form after the January 1 lien date may file for any of the exemptions effective the date they organized. See *Property acquired after the January 1 lien date*, at the top of this page, for deadlines and requirements.

FOR MORE INFORMATION

Publications and Forms

Publications

The BOE publishes a variety of publications that may interest you, including:

[29](#) *California Property Tax; an Overview*

[149](#) *Property Tax Welfare Exemption*

[Assessors' Handbook Section 267, Welfare, Church, and Religious Exemptions](#)

These publications are available on the Internet at www.boe.ca.gov.

Forms

While you must obtain the claim forms to apply for the Religious Exemption, Church Exemption, and Welfare Exemption from your county assessor, some sample forms for the Welfare Exemption are on the BOE's website at www.boe.ca.gov/proptaxes/welfareorgexemp.htm. Application forms for an *Organizational Clearance Certificate* are available on the BOE's website at www.boe.ca.gov/proptaxes/welfareclaimforms.htm.

Website: www.boe.ca.gov

In addition to copies of selected publications, the BOE's website also includes Board meeting dates, county assessors' office contact information, and other helpful information about the BOE and the programs it administers.

Taxpayers' Rights Advocate

If you have not been able to resolve a disagreement through normal channels, we encourage you to contact our [Taxpayers' Rights Advocate](#) for help:

Taxpayers' Rights Advocate, MIC:120
State Board of Equalization
PO Box 942879
Sacramento, CA 94279-0120

Telephone: 1-916-327-2217

Board Member contact information

To contact your Board of Equalization Member, see www.boe.ca.gov/members/board.htm.

EXHIBIT A

Index to Church Exemption Laws

EXEMPTION LAWS

1. Nature of exemption — sections 3(f), 4(d), and 5, article XIII, California Constitution.
2. Qualifications — church, parking, leased property — sections 206, 206.1, and 206.2, Revenue and Taxation Code.
3. What qualifies:
 - a. Church — section 3(f), article XIII, California Constitution, and section 206, Revenue and Taxation Code.
 - b. Church parking — section 4(d), article XIII, California Constitution, and section 206.1, Revenue and Taxation Code.
 - c. Leased property — section 206.2, Revenue and Taxation Code.
 - d. Under construction — section 5, article XIII, California Constitution.
4. Authority to prescribe, State Board of Equalization — section 33, article XIII, California Constitution, and section 251, Revenue and Taxation Code.
5. Procedure, time for annual filing:
 - a. File affidavit annually — section 254, Revenue and Taxation Code.
 - b. Time to file, February 15 — section 255, Revenue and Taxation Code.
 - c. Assessor to mail form — section 256, Revenue and Taxation Code.
6. Late filing — section 270, Revenue and Taxation Code.
7. Property acquired after the January 1 lien date; Organizations formed after the January 1 lien date — section 271, Revenue and Taxation Code.
8. Exemption of supplemental assessments, sections 75.21, 75.22, and 75.24, Revenue and Taxation Code.
9. Waive exemption — section 6, article XIII, California Constitution and section 260, Revenue and Taxation Code.
10. Claim form:
 - a. Public record — section 408, Revenue and Taxation Code.
 - b. Destroy — section 465, Revenue and Taxation Code.
11. Incorrect exemption — section 531.1, Revenue and Taxation Code.
12. Assessor's Denial of Exemption — Property Tax Rule 302(b). No county assessment appeals board hearing on assessor's denial of exemption.

EXHIBIT B

Index to Religious Exemption Laws

1. Nature of exemption — sections 4(b) and 5, article XIII, California Constitution.
2. Qualifications — Church, church and school, parking, leased property — sections 206.1, 207, and 207.1 Revenue and Taxation Code.
3. What qualifies:
 - a. Church, church and school — section 207, Revenue and Taxation Code.
 - b. Parking — section 206.1, Revenue and Taxation Code.
 - c. Leased personal property — section 207.1, Revenue and Taxation Code.
 - d. Under construction — section 5, article XIII, California Constitution.
4. Authority to prescribe, State Board of Equalization — section 33, article XIII, California Constitution, and section 251, Revenue and Taxation Code.
5. Procedure, time for filing:
 - a. File affidavit, one-time filing — section 257, Revenue and Taxation Code.
 - b. Time to file, February 15 — section 255, Revenue and Taxation Code.
 - c. Assessor to mail notice — section 257.1, Revenue and Taxation Code.
6. Late filing — section 270, Revenue and Taxation Code.
7. Property acquired after the January 1 lien date; Organizations formed after the January 1 lien date — section 271, Revenue and Taxation Code.
8. Exemption of supplemental assessments, sections 75.21, 75.22, and 75.24, Revenue and Taxation Code.
9. Waive exemption — section 6, article XIII, California Constitution, and section 260, Revenue and Taxation Code.
10. Claim form:
 - a. Public Record — section 408, Revenue and Taxation Code.
 - b. Destroy — section 465, Revenue and Taxation Code.
11. Incorrect exemption — sections 257 and 531.1, Revenue and Taxation Code.
12. Property Tax Rule 302(b) — No county assessment appeals board hearing on assessor's denial of exemption.

EXHIBIT C

Listing of Forms, Church, and Religious Exemptions

The following is a listing of claim forms for use by organizations filing with the assessor:

- BOE-262-AH, *Church Exemption Claim*

Claim form filed to request exemption on property owned by the church or leased to the church if the property is used exclusively for religious worship or for parking by persons attending any church activity. Claim form must be filed on an annual basis.

- BOE-263, *Lessors' Exemption Claim*

Claim form filed by lessor to request exemption on property used by the church or religious organization if the property is used exclusively for religious worship or for parking by persons attending any church activity. Claim form must be filed on an annual basis.

- BOE-267-S, *Religious Exemption Claim*

Claim form filed to request exemption on property owned by the church or leased to the church if the property is used for religious worship, and church operates its own preschool, nursery school, kindergarten, elementary/secondary school, or both schools of collegiate grade and schools of less than collegiate grade. Claim form filed one time.

- BOE-267-SNT, *Religious Exemption Change in Eligibility or Termination Notice*

Notice annually mailed by the county assessor to recipients of the Religious Exemption. Claimant must file notice if the property has been sold or if all or a portion of the property that received the exemption in the prior year is used for an activity that no longer qualifies for the exemption.

Forms for filing purposes must be obtained from the assessor in the county in which the property is located. A listing of county assessors is available on the BOE's website at www.boe.ca.gov and can be accessed by selecting (1) Property Tax, (2) *Assessors*.

EXHIBIT D

Index to Welfare Exemption Laws

1. Nature of exemption — sections 4(b) and 5, article XIII, California Constitution.
2. Qualifications:
 - a. Religious, hospital, scientific, charitable purposes — section 214, Revenue and Taxation Code.
 - b. Qualifying organizations/entities — section 214(a), Revenue and Taxation Code, and Property Tax Rule 136.
 - c. Irrevocable dedication — sections 214(a)(6) and 214.01, Revenue and Taxation Code and Property Tax Rule 143.
 - d. Exemption from income tax — sections 214(a) and 214.8, Revenue and Taxation Code.
 - e. Recordation Requirement — section 261, Revenue and Taxation Code.
 - f. Financial statements — sections 254 (a), 254.5, and 254.6(c)(1), Revenue and Taxation Code.
3. What qualifies:
 - a. Religious, hospital, scientific, charitable — section 214, Revenue and Taxation Code.
 - b. Occasional use by others — section 214(a)(3)(D), Revenue and Taxation Code.
 - c. Schools — sections 214(b), 214.4 and 214.5, Revenue and Taxation Code.
 - d. Nursery schools — sections 214(c) and 221, Revenue and Taxation Code.
 - e. Homes for the aged or handicapped — section 214(f), Revenue and Taxation Code.
 - f. Lower income housing — section 214(g), Revenue and Taxation Code, and Property Tax Rules 140, 140.1, and 140.2.
 - g. Leased to government — section 214.6, Revenue and Taxation Code.
 - h. Bingo — section 215.2, Revenue and Taxation Code.
 - i. Under construction, demolition — section 5, article XIII, California Constitution, and sections 214.1 and 214.2, Revenue and Taxation Code.
 - j. Emergency shelter — section 214(h), Revenue and Taxation Code.
 - k. Housing for employees — section 214(i), Revenue and Taxation Code, and Property Tax Rule 137.
4. Authority to prescribe, State Board of Equalization — section 33, article XIII, California Constitution; sections 251(a) and 254.5(g), Revenue and Taxation Code; and sections 15606(c)(d)(e)(f), and (g), Government Code.
5. Procedure, time for annual filing:
 - a. File affidavit annually — section 254, Revenue and Taxation Code.
 - b. Time to file, February 15 — sections 254.5 and 255, Revenue and Taxation Code.
 - c. Assessor to review property use, issue finding — section 254.5, Revenue and Taxation Code.
 - d. BOE to review organization's qualifications, issue finding — section 254.6, Revenue and Taxation Code.
6. Late filing — section 270, Revenue and Taxation Code.
7. Property acquired after the January 1 lien date; Organizations formed after the January 1 lien date — section 271, Revenue and Taxation Code.
8. Exemption of supplemental assessments, sections 75.21, 75.22, and 75.24, Revenue and Taxation Code.
9. Waive exemption — section 6, article XIII, California Constitution, and section 260, Revenue and Taxation Code.
10. Claim form:
 - a. Public record — section 408, Revenue and Taxation Code
 - b. Destroy — section 465, Revenue and Taxation Code.
11. Incorrect exemption — sections 531.1, 254.5(e), 254.5(f), and 254.6, Revenue and Taxation Code.
12. Denial of exemption — Property Tax Rule 302(b) — no county assessment appeals board hearing on an assessor's denial of exemption on property.

EXHIBIT E

Listing of Forms, Welfare Exemption

Forms Filed with the BOE and Assessor and Notification Forms Pertaining to the Religious Aspect of the Exemption

Claim Forms Filed by Organizations

The following is a listing of claim forms for use by organizations filing with the Board of Equalization:

- BOE-277, *Claim for Organizational Clearance Certificate – Welfare Exemption*

Claim form filed by a nonprofit organization to request an *Organizational Clearance Certificate*, which is needed before the assessor can grant a Welfare Exemption.

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

Claim form filed by limited liability company to request an *Organizational Clearance Certificate*, which is needed before the assessor can grant a Welfare Exemption.

- BOE-278-OCC, *Verification for Continued Eligibility of Organizational Clearance Certificate – Welfare Exemption or Veterans' Organization Exemption*

Claim form filed by nonprofit organization, or limited liability company, upon request of the BOE to provide updated information to ensure that the organization continues to meet the qualifications for exemption. (Only organizations that have previously met the organizational requirements of Revenue and Taxation Code section 214 and hold a valid *Organizational Clearance Certificate* must file this form.)

The forms listed above are available on the BOE's website at www.boe.ca.gov, and can be accessed by selecting: (1) Property Tax, and (2) the [Claim Forms](#) bullet under *Organizational Clearance Certificate (OCC) – Welfare Exemption*.

Notification Forms Issued by the BOE

The following forms are used by the BOE to notify organizations of findings concerning eligibility for exemption:

- BOE-277-F, *Welfare or Veterans' Organization Exemption Organizational Clearance Certificate Finding Sheet*

Form to notify organization of findings after review of claim for organizational clearance certificate and associated organizational information.

- BOE-277-F1, *Welfare or Veterans' Organization Exemption Organizational Clearance Certificate – Preliminary Notice*

Form to notify organization as to specific findings of ineligibility and what action the organization may do in response to such findings.

- BOE-277-F2, *Welfare or Veterans' Organization Exemption Organizational Clearance Certificate – Final Notice*

Form to notify organization of exemption eligibility after review of additional information submitted by organization in response to BOE-277-F1, *Preliminary Notice*, also provides information concerning appeal rights.

- BOE-277-OC, *Organizational Clearance Certificate for Welfare or Veterans' Organization Exemption*

Certificate issued to organizations by the BOE if organizational requirements of section 214 are met. Form is submitted by claimants to county assessors with an exemption claim to indicate that the organization meets the qualifications for exemption.

A sample of each of the above listed notification forms is available on the BOE's website at www.boe.ca.gov and can be accessed by selecting (1) Property Tax, (2) [Organizational Clearance Certificate \(OCC\) – Welfare Exemption](#).

EXHIBIT E (continued)

Claim Forms Filed by Organizations

The following is a listing of claim forms for use by organizations filing with the assessor:

- BOE-267, Claim for Welfare Exemption (First Filing)

Claim form for initial request for Welfare Exemption for a specific property when the claimant is a new filer in a county or when seeking exemption on a new location in the county.

- BOE-267-A, *Claim for Welfare Exemption (Annual Filing)*

Claim form filed to request exemption on an annual basis after initial “been met” finding. May be filed on properties that were granted exemption in the prior year.

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

Supplemental affidavit filed annually to certify eligibility for Welfare Exemption for housing used for elderly or handicapped families under Revenue and Taxation Code section 214(f), to document qualifying households within income limits and residential units eligible for exemption.

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

Supplemental affidavit filed annually to certify exemption eligibility for property used for low-income housing under Revenue and Taxation Code section 214(g), document qualifying households within income limits and residential unit eligible for exemption.

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

Supplemental affidavit filed annually to certify exemption eligibility for low-income housing property owned and operated by a limited partnership with a qualifying nonprofit managing general partner.

- BOE-267-O, Welfare Exemption Supplemental Affidavit, Organizations and Persons Using Claimant’s Real Property

Supplemental affidavit filed annually by the owner of real property, along with BOE-267 or BOE-267-A, when another organization or person uses the real property to identify the use and users.

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

Supplemental affidavit filed annually to certify that the property is used for the claimant’s rehabilitation program for employees or to provide associated living quarters.

A sample of each of the above listed forms is available on the BOE’s website at www.boe.ca.gov, and can be accessed by selecting: (1) Property Tax, (2) Organizational Clearance Certificate (OCC) – Welfare Exemption, and (3) [Use Requirements and Exemption Claim Forms](#). Please note that the sample forms are provided solely for informational purposes. Forms for filing purposes must be obtained from the assessor in the county in which the property is located. A listing of county assessors is available on the BOE’s website at www.boe.ca.gov, and can be accessed by selecting: (1) Property Tax, (2) [Assessors](#).

Notification Form Issued by Assessors

The following is a form used by assessors to notify a claimant of findings concerning eligibility for exemption:

- BOE-267-F, Welfare or Veterans’ Organization Exemption, Assessor’s Finding on Qualification of Property Use

Assessors’ form to notify claimant of findings after review of property use only if the property or portion of the property is ineligible for exemption. The form is also used to notify claimants of exemption approval when the claimant is filing for exemption for the first time in a location or in a county.

A sample of the notification form is available on the BOE’s website at www.boe.ca.gov, and can be accessed by selecting: (1) Property Tax, (2) Organizational Clearance Certificate (OCC) – Welfare Exemption, and (3) [Denial of Welfare or Veterans’ Organization Exemption](#).

