

CLIENT REPORT:

Guidance on Public Inspection of Form 990-T

Dear Client:

As you know, as a charitable organization, you are subject to public inspection and copying of your federal returns. Under IRS guidance, in addition to public disclosure of your regular returns, you are subject to public inspection and copying of your Forms 990-T, Exempt Organization Business Income Tax Return, relating to your unrelated business taxable income.

Under the guidance, all Forms 990-T filed with the IRS by a charity exempt from tax under Code Sec. 501(c)(3) must be made available for public inspection and copying, regardless of whether the charity is otherwise subject to disclosure requirements. In addition, the disclosure must include all attachments to the return that are filed with the Form 990-T and that relate to the imposition of the unrelated business income tax. Forms that do not relate to the unrelated business income tax do not need to be disclosed.

In addition, as your organization has been subject to this tax in the past, you may benefit from an analysis of your activities that are generating income that is unrelated to your primary charitable purpose. Please contact our office to discuss whether such an analysis makes sense for your organization and whether and how disclosure of your returns must be made.

Sincerely yours,

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