

# 20100566

APR 16 2010

**Internal Revenue Service**

**Date:** March 27, 2007

SHELTER MINISTRIES OF DALLAS  
PO BOX DRAWER G  
DALLAS TX 75208-0030 997

**Department of the Treasury**  
P. O. Box 2508  
Cincinnati, OH 45201

**Person to Contact:**  
Dottie Downing 31-08029  
Customer Service Specialist  
**Toll Free Telephone Number:**  
877-829-5500  
**Federal Identification Number:**  
75-1881365

Dear Sir or Madam:

This is in response to your request of March 26, 2007, regarding your organization's tax-exempt status. We have updated our records to reflect your organization's address as shown above.

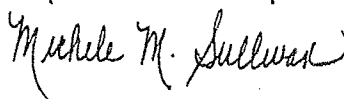
In June 1983 we issued a determination letter that recognized your organization as exempt from federal income tax. Our records indicate that your organization is currently exempt under section 501(c)(3) of the Internal Revenue Code.

Our records indicate that your organization is also classified as a church under sections 509(a)(1) and 170(b)(1)(A)(i) of the Internal Revenue Code.

Our records indicate that contributions to your organization are deductible under section 170 of the Code, and that you are qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Internal Revenue Code.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely,



Michele M. Sullivan, Oper. Mgr.  
Accounts Management Operations 1

Washington, DC 20224

Shelter Ministries of Dallas  
Drawer G  
Dallas, TX 75208

Person to Contact:

Telephone Number:

Refer Reply to:

E:EO:R:1-3

Date:

JUL 09 1990

E.I.N.: 75-1881365

K.D.O.: Dallas

Entered in PCQ

Legend:

X= Shelter Ministries of Dallas (formerly Episcopal Presbyterian Shelters, Inc.)

Y= Grace Union Presbytery

Z= Episcopal Diocese of Dallas

Dear Sir or Madam:

This is in response to your ruling request dated March 16, 1990, submitted on your behalf by your authorized representative. You have asked us to rule that, based on the facts set forth below, X is an internally supported church-affiliated organization excused from filing annual Internal Revenue Service Form 990 information returns pursuant to Rev. Proc. 86-23, 1986-1 C.B. 564.

X is an organization recognized exempt under section 501(c)(3) of the code and is classified as other than a private foundation because it is described in section 509(a)(3) of the Code.

In furtherance of its religious, charitable and educational purposes, X operates two local shelters. One shelter primarily offers night-time shelter to homeless persons. It also offers certain ancillary services, such as counseling, etc. The other shelter offers shelter services, counseling and children's services to battered women and their children. X does not offer admissions, goods, services or facilities for sale to the general public.

X is governed by a Board of Trustees of eight persons, which pursuant to X's bylaws, four are appointed by Y and four are appointed by Z. Thus, Y and Z have the power to elect or appoint the Trustees of X. Y and Z also have the power to remove a Trustee of X.

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Both Y and Z are "churches or conventions or associations of churches" within the meaning of section 170(b)(1)(A)(i) of the Code.

Certain amendments to X's Articles of Incorporation and Bylaws have been authorized. Following these amendments, X's Board of Trustees will consist of ten members. The two additional members will be elected by the eight present Trustees, with the consent of Y and Z.

Section 6033(a)(1) of the Code generally requires the filing of annual information returns by exempt organizations.

Section 6033(a)(2)(b) of the Code provides discretionary exceptions from filing such returns where the Secretary determines such filing is not necessary to the efficient administration of the internal revenue laws.

Section 1.6033-2(g)(6) of the Income Tax Regulations delegates authority to the Commissioner to excuse organizations from the filing requirement. It provides that the Commissioner may relieve any organization or class of organization from filing, in whole or in part, the annual return required by section 6033 where he determines that such returns are not necessary for the efficient administration of the internal revenue laws.

Section 1.509(a)-4(g)(1) of the regulations defines "operated, supervised, or controlled by". Such a relationship presupposes a substantial degree of direction over the policies, programs and directions of a supporting organization by one or more publicly supported organizations. This relationship is established by the fact that a majority of the officers, directors, or trustees of the supporting organization are appointed or elected by the governing body, members of the governing body, officers acting in their official capacity, or the membership of one or more publicly supported organizations.

Rev. Proc. 86-23, 1986-1 C.B. 564, provides that organizations affiliated with a church or convention or association of churches and exempt from federal income tax under section 501(c)(3) of the Code, are not required to file Form 990.

Section 3 of Rev. Proc. 86-23, describes those organizations not required to file Form 990 as those that are described in section 501(c)(3) and 509(a)(1), (2), or (3) of the Code, that are affiliated with a church or convention or association of churches as defined in section 4, and that meet the internal support requirements of section 5 of the revenue procedure.

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Section 4 of Rev. Proc. 86-23, provides that for purposes of section 3, an organization is affiliated with a church or a convention or association of churches if the organization is operated, supervised, or controlled by or in connection with, as defined in section 1.509(a)-4 of the regulations, a church or convention or association of churches or other relevant facts and circumstances show that it is so affiliated.

Section 5 of Rev. Proc. 86-23 provides that for purposes of section 3, an organization is internally supported within the meaning of this section unless it both:

(1) offers admissions, goods, services, or facilities for sale, other than on an incidental basis, to the general public (except goods, service, or facilities sold at a nominal charge or substantially less than cost), and

(2) normally receives more than 50 percent of its support from a combination of governmental sources; public solicitation of contributions (such as through a community fund drive); and receipts from the sale of admissions, goods, performance of services, or furnishing of facilities in activities that are not unrelated trades or businesses.

Because X's Articles of Incorporation and Bylaws require that X's Trustees be appointed by Y and Z, and neither X's Articles nor bylaws may be amended without the approval of both Y and Z, the requisite showing has been made to establish that X is operated, supervised or controlled by Y and Z within the meaning of section 1.509(a)-4(g)(1) of the regulations. In addition, X's residual assets are dedicated to Y and Z upon X's dissolution. These additional facts and circumstances support our conclusion that X is appropriately affiliated with Y and Z.

X does not offer admissions, goods, services or facilities for sale to the general public. Accordingly, because X does not both offer admissions, goods, services or facilities for sale to the general public, and normally receive more than 50 percent of its support from a combination of governmental sources; public solicitation of contributions; and receipts from the sale of admissions, goods, performance of services, or furnishing of facilities in activities that are not unrelated trades or businesses, we conclude that X is internally supported within the meaning of section 5 of Rev. Proc. 86-23.

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Based on the information submitted and upon your representation that both Y and Z are churches or conventions or associations of churches within the meaning of section 170(b)(1)(A)(i) of the Code, we rule that X is exempt under section 6033(a)(2)(i) from filing Form 990.

This ruling is directed only to the organization that requested it. Section 6110(j)(3) of the Code provides that it may not be used or cited as precedent.

We are informing your key District Director of this ruling.

Sincerely yours,

**Sigfred C. Rosenberg**  
Conrad Rosenberg  
Chief Exempt Organizations  
Rulings Branch 1

District  
Director

Shelter Ministries of Dallas  
Drawer G  
Dallas, TX 75208

Person to Contact:  
First Read Tax Examiner  
Telephone Number:  
(214) 767-1162  
Refer Reply to:  
EP/EO:SPB:4950 DAL  
Date:  
August 25, 1989

Dear Sir or Madam:

Our records show that Shelter Ministries of Dallas is exempt from Federal Income Tax under section 501(c)(3) of the Internal Revenue Code. This exemption was granted June 1983 and remains in full force and effect. Contributions to your organization are deductible in the manner and to the extent provided by section 170 of the Code.

We have classified your organization as one that is not a private foundation within the meaning of section 509(a) of the Internal Revenue Code because you are an organization described in section 509(a)(3).

If we may be of further assistance, please contact the person whose name and telephone number are shown above.

Sincerely yours,

*m. anderson*

First Read Tax Examiner

**SHELTER MINISTRIES OF DALLAS**  
**Post Office Box 4538, Drawer G**  
**Dallas, Texas 75208**  
**EIN: 75-1881365**

Attached is a copy of a ruling by the Internal Revenue Service dated July 9, 1990, to the effect that Shelter Ministries of Dallas is an internally supported, church-affiliated organization excused from filing annual Internal Revenue Service Form 990 information returns pursuant to Rev. Proc. 86-23, 1986-1 C.B. 564.

VA1999704985UMB031848