



DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C. 20224

OFFICE OF
CHIEF COUNSEL

August 27, 2009

Number: **INFO 2009-0170**

CC:ITA:B4

Release Date: 9/25/2009

CONEX-135766-09

UIL: 36.00-00

The Honorable Paul W. Hodes
Member, U.S. House of Representatives
221 Main Street, Suite 201
Nashua, NH 03060

Attention:

Dear Congressman Hodes:

This letter responds to your enquiry dated July 31, 2009, submitted on behalf of your constituent, . He asked if he can take the first-time homebuyer credit for a home that he purchased from his parents.

Congress added section 36 to the Internal Revenue Code to provide a credit to first-time homebuyers for purchases made in 2008 and 2009. The purchase of a residence from certain relatives, including parents, does not qualify for the credit. Because purchased his home from his parents, he can not take the first-time homebuyer credit. Unfortunately, the statute does not contain any exceptions or grant the Internal Revenue Service the authority to make exceptions to this rule.

I hope this information is helpful. If you have any questions, please contact
at .

Sincerely,

Michael J. Montemurro
Branch Chief
Office of Associate Chief Counsel
(Income Tax and Accounting)