



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

OFFICE OF
CHIEF COUNSEL

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CONEX-141349-09

UIL: 36.00-00

The Honorable Charles E. Schumer
United States Senator
757 Third Avenue, Suite 17-02
New York, New York 10017

Attention:

Dear Senator Schumer:

I am responding to your letter dated September 11, 2009, submitted on behalf of your constituent, . She wants to claim the first-time homebuyer credit for a home she purchased from her grandmother.

Congress added section 36 to the Internal Revenue Code (Code) to provide a credit to first-time homebuyers for purchases made after April 8, 2008 and before December 1, 2009. The purchase of a residence from certain relatives, including grandparents, does not qualify for the credit (section 36(c)(5) of the Code). Because purchased her home from her grandmother, she cannot take the first-time homebuyer credit.

The statute neither contains any exceptions, nor grants the Internal Revenue Service the authority to make exceptions to this rule. Any changes to the law would require legislative action by Congress.

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

Sincerely,

Michael J. Montemurro
Chief, Branch 4
Office of Associate Chief Counsel
(Income Tax and Accounting)