



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

OFFICE OF  
CHIEF COUNSEL

November 9, 2009

Number: **INFO 2009-0224**

Release Date: 12/31/2009

CC:ITA:B4:  
CONEX-148435-09

UIL: 36.00-00

The Honorable Aaron Schock  
Member, U.S. House of Representatives  
235 South 6<sup>th</sup> Street  
Springfield, IL 62701

Attention:

Dear Congressman Schock:

I am responding to your inquiry dated October 26, 2009, on behalf of your constituent, . He asked why he cannot take the first-time homebuyer credit for a home that he purchased from his parents.

Congress added section 36 to the Internal Revenue Code (the 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 (section 36(c) of the Code). Because purchased a home from his parents, he cannot take the first-time homebuyer credit.

The statute does not contain any exceptions or grant the Internal Revenue Service the authority to make exceptions to this rule. Any changes to this rule would require legislative action by Congress.

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

Sincerely,

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