



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

OFFICE OF  
CHIEF COUNSEL

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CONEX-100442-10

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The Honorable Nick J. Rahall, II  
Member, U.S. House of Representatives  
845 Fifth Avenue  
Huntington, WV 25701

Dear Congressman Rahall:

This letter responds to your inquiry dated December 11, 2009, on behalf of your constituent, . asked whether she can take an additional \$500 of first-time homebuyer credit for the purchase of a home in 2008 and whether she has to repay the credit taken.

The first-time homebuyer credit differs, depending on when a taxpayer purchases a home. For purchases on or after April 9, 2008, and before January 1, 2009, qualifying taxpayers can receive a credit of up to \$7,500, which they must repay over a 15-year period (section 36(f)(1) of the Internal Revenue Code (Code)). For purchases after December 31, 2008, and before May 1, 2010, a qualifying taxpayer can receive a credit of up to \$8,000 and not have to repay the credit if the taxpayer does not sell or stop using the residence as a principal residence within three years after the date of purchase of the residence (section 36(f)(4)(D) of the Code).

indicated that she qualifies to take the first-time homebuyer credit for a home purchased between April 9, 2008, and December 31, 2008. Consequently, she qualifies for a credit of up to \$7,500 (not \$8,000) and must repay the first-time homebuyer credit. Unfortunately, the Internal Revenue Service does not have the administrative authority to disregard the credit limitation and repayment requirement.

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

Sincerely,

William A. Jackson  
Chief, Branch 5  
Office of Associate Chief Counsel  
(Income Tax and Accounting)