



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

OFFICE OF
CHIEF COUNSEL

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The Honorable Frank R. Wolf
Member, U.S. House of Representatives
13873 Park Center Road, Suite 130
Herndon, VA 20171

Attention:

Dear Congressman Wolf:

This letter responds to your enquiry dated February 24, 2010, submitted on behalf of your constituent, . She explained that the Internal Revenue Service denied her claim to take the first-time homebuyer credit for a purchase of a home from her mother.

Congress added section 36 to the Internal Revenue Code (the Code) to provide a credit to first-time homebuyers for purchases made in 2008, 2009, and 2010. However, the purchase of a residence from certain relatives, including parents, does not qualify for the credit (section 36(c) of the Code). Because purchased the home from her mother, she 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
at .

Sincerely,

George Blaine
Associate Chief Counsel
(Income Tax and Accounting)