



OFFICE OF THE CHIEF COUNSEL

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

May 24, 2010

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Release Date: 6/25/2010

CC:ITA:B4:
CONEX-120139-10

UIL: 36.00-00

The Honorable David Loeb sack
U.S. House of Representatives
1221 Longworth House Office Building
Washington, D.C. 20515

Dear Mr. Loeb sack:

I am responding to your letter dated April 22, 2010, submitted on behalf of your constituent, . asked if her daughter is eligible for the long-time residents homebuyer tax credit for the home she purchased on November 6, 2009.

As you requested, I responded directly to . I am enclosing a copy of my response.

I hope this information is helpful. If you need further assistance, please call me or at .

Sincerely,

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

Enclosure



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Dear _____ :

I am responding to your e-mail to Representative Loeb sack, who asked me to respond directly to you. Your daughter has owned a home for over 10 years. You asked if she qualifies for the long-time residents homebuyer credit for a home that she purchased on November 6, 2009.

Taxpayers who are long-time residents of the same principal residence may qualify for an income tax credit for the purchase of a different principal residence, equal to 10 percent of its purchase price, up to a maximum credit of \$6,500 (section 36 of the Internal Revenue Code). This credit applies only if the taxpayer purchases the residence on or after November 7, 2009 (section 11(j)(1) of the Worker, Homeownership, and Business Assistance Act of 2009). Because your daughter purchased her home before the November 7, 2009, effective date, she may not take this credit. The law does not grant the IRS authority to make an exception to this effective date.

I have enclosed pages 260-261 of Publication 17, *Your Federal Income Tax*, which provides a more detailed explanation of the first-time homebuyer credit. 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)

Enclosure