



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

OFFICE OF THE CHIEF COUNSEL

June 28, 2010

Number: **2010-0180**
Release Date: 9/24/2010

CONEX-123519-10

UILC: 36.00-00

The Honorable Bill Nelson
United States Senator
Landmark Two
225 East Robinson Street, Suite 410
Orlando, FL 32801

Dear Senator Nelson:

I am responding to your inquiry dated May 20, 2010, on behalf of your constituents, _____ and _____, and _____ asked whether they could claim a First-Time Homebuyer Credit.

A refundable credit is available to a first-time homebuyer of a principal residence who meets certain conditions (section 36 of the Internal Revenue Code (the Code)). To qualify for the credit, the taxpayer must purchase the residence on or after April 9, 2008, and before May 1, 2010 (section 36(h)(1) of the Code). In the case of any taxpayer who enters into a written binding contract before May 1, 2010, the taxpayer must close on the purchase of a principal residence before July 1, 2010 (section 36(h)(2) of the Code).

_____ and _____ letter indicates that, as of April 30, 2010, they neither purchased a principal residence nor entered into a binding contract to purchase one. Accordingly, they do not qualify for the first-time homebuyer credit. The statute provides no administrative exceptions. We have no authority to modify the statutory effective date.

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I am sorry that my response is not more favorable. If you have any questions, please contact me or _____ at _____.

Sincerely,

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