

111TH CONGRESS
1ST SESSION

H. R. 802

To amend the Internal Revenue Code of 1986 to extend and modify the first-time homebuyer credit.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 2009

Mr. HELLER introduced the following bill; which was referred to the Committee on Ways and Means

A BILL

To amend the Internal Revenue Code of 1986 to extend and modify the first-time homebuyer credit.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. EXTENSION AND MODIFICATION OF FIRST-**
4 **TIME HOMEBUYER CREDIT.**

5 (a) EXTENSION OF CREDIT.—Subsection (i) of sec-
6 tion 36 of the Internal Revenue Code of 1986 (as redesign-
7 nated by subsection (d)) is amended by striking “July 1,
8 2009” and inserting “January 1, 2010”.

9 (b) REPEAL OF FIRST-TIME HOMEBUYER REQUIRE-
10 MENT.—

1 (1) IN GENERAL.—Subsection (a) of section 36
2 of such Code is amended by striking “an individual
3 who is a first-time homebuyer of a principal resi-
4 dence” and inserting “an individual who purchases
5 a principal residence”.

6 (2) CONFORMING AMENDMENTS.—

7 (A) Section 36(b)(1)(A) of such Code is
8 amended by inserting “with respect to any tax-
9 payer for any taxable year” after “subsection
10 (a)”.

11 (B) Section 36(c) of such Code is amended
12 by striking paragraph (1) and by redesignating
13 paragraphs (2) through (5) as paragraphs (1)
14 through (4), respectively.

15 (C) The heading of section 36 of such
16 Code (and the item relating to such section in
17 the table of sections for subpart C of part IV
18 of subchapter A of chapter 1) are amended by
19 striking “**FIRST-TIME HOMEBUYER**” and in-
20 serting “**HOMEBUYER**”.

21 (c) REPEAL OF RECAPTURE RULES.—

22 (1) IN GENERAL.—Paragraph (4) of section
23 36(f) of such Code is amended by adding at the end
24 the following new subparagraph:

1 “(D) WAIVER OF RECAPTURE FOR PUR-
2 CHASES IN 2009.—In the case of any credit al-
3 lowed with respect to the purchase of a prin-
4 cipal residence after December 31, 2008—

5 “(i) paragraph (1) shall not apply,
6 and

7 “(ii) paragraph (2) shall apply only if
8 the disposition or cessation described in
9 paragraph (2) with respect to such resi-
10 dence occurs during the 36-month period
11 beginning on the date of the purchase of
12 such residence by the taxpayer.”.

13 (2) CONFORMING AMENDMENT.—Subsection (g)
14 of section 36 of such Code is amended by striking
15 “subsection (c)” and inserting “subsections (c) and
16 (f)(4)(D)”.

17 (d) DOWNPAYMENT REQUIREMENT.—Section 36 of
18 such Code is amended by redesignating subsection (h) as
19 subsection (i) and by inserting after subsection (g) the fol-
20 lowing new subsection:

21 “(h) DOWNPAYMENT REQUIREMENT.—No credit
22 shall be allowed under subsection (a) to any taxpayer with
23 respect to the purchase of any residence unless such tax-
24 payer makes a downpayment of not less 5 percent of the
25 purchase price of such residence. For purposes of the pre-

1 ceding sentence, an amount shall not be treated as a
2 downpayment if such amount is repayable by the taxpayer
3 to any other person.”.

4 (e) EFFECTIVE DATE.—

5 (1) IN GENERAL.—Except as provided in para-
6 graph (2), the amendments made by this section
7 shall apply to residences purchased after December
8 31, 2008.

9 (2) DOWNPAYMENT REQUIREMENT.—The
10 amendment made by subsection (d) shall apply to
11 residences purchased after the date of the enactment
12 of this Act.

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