

111TH CONGRESS
1ST SESSION

H. R. 2619

To amend the Internal Revenue Code of 1986 to temporarily expand the credit for first-time homebuyers to all homebuyers and to allow individuals a temporary refundable credit against income tax for the costs of refinancing acquisition indebtedness secured by their principal residence.

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2009

Mr. MARCHANT 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 temporarily expand the credit for first-time homebuyers to all homebuyers and to allow individuals a temporary refundable credit against income tax for the costs of refinancing acquisition indebtedness secured by their principal residence.

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. TEMPORARY EXPANSION OF FIRST-TIME HOME-**
4 **BUYER CREDIT TO ALL HOMEBUYERS.**

5 (a) IN GENERAL.—Section 36 of the Internal Rev-
6 enue Code of 1986 (relating to first-time homebuyer cred-

1 it) is amended by redesignating subsections (g) and (h)
2 as subsections (h) and (i), respectively, and by inserting
3 after subsection (f) the following new subsection:

4 “(g) CREDIT TEMPORARILY ALLOWABLE TO ALL
5 HOMEBUYERS.—

6 “(1) CREDIT EXPANDED TO ALL HOME-
7 BUYERS.—Except as provided in paragraph (1), in
8 the case of residences purchased after the date of
9 the enactment of this subsection and before July 1,
10 2010, the requirement that the taxpayer be a first-
11 time homebuyer shall not apply.

12 “(2) EXCEPTION.—No credit shall be allowed
13 under this section by reason of paragraph (1) if
14 credit was allowed under this section or 1400C (re-
15 lating to first-time homebuyer in the District of Co-
16 lumbia) to the taxpayer (or the taxpayer’s spouse)
17 with respect to any other residence.”.

18 (b) CONFORMING AMENDMENTS.—

19 (1) Section 36 of such Code is amended by
20 striking “December 1, 2009” each place it appears
21 (other than subsection (h), as redesignated by sub-
22 section (a)) and inserting “July 1, 2010”.

23 (2) The heading for subparagraph (D) of sec-
24 tion 36(f)(4) of such Code is amended by striking

1 “PURCHASES IN 2009” and inserting “CERTAIN PUR-
2 CHASES”.

3 (3) Subsection (h) of section 36 of such Code,
4 as so redesignated, is amended by striking “Decem-
5 ber 31, 2009” and inserting “January 1, 2010”.

6 (4) The heading of such section 36 is amended
7 by inserting before the period “; **TEMPORARY**
8 **CREDIT FOR ALL HOMEBUYERS**”.

9 (5) The item relating to section 36 in the table
10 of sections for subpart C of part IV of subchapter
11 A of chapter 1 of such Code is amended by inserting
12 before the period “; Temporary credit for all home-
13 buyers”.

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to residences purchased after the
16 date of the enactment of this Act.

17 **SEC. 2. TEMPORARY REFUNDABLE CREDIT FOR COSTS OF**
18 **REFINANCING ACQUISITION INDEBTEDNESS**
19 **SECURED BY PRINCIPAL RESIDENCE.**

20 (a) IN GENERAL.—Subpart C of part IV of sub-
21 chapter A of chapter 1 of the Internal Revenue Code of
22 1986 (relating to refundable credits) is amended by insert-
23 ing after section 36 the following new section:

1 **“SEC. 36A. TEMPORARY CREDIT FOR COSTS OF REFI-**
2 **NANCING ACQUISITION INDEBTEDNESS SE-**
3 **CURED BY PRINCIPAL RESIDENCE.**

4 “(a) ALLOWANCE OF CREDIT.—In the case of an in-
5 dividual, there shall be allowed as a credit against the tax
6 imposed by this subtitle an amount equal to the qualified
7 refinancing costs paid or accrued by the taxpayer during
8 the taxable year.

9 “(b) LIMITATIONS.—

10 “(1) DOLLAR LIMITATION.—

11 “(A) IN GENERAL.—Except as otherwise
12 provided in this paragraph, the credit allowed
13 under subsection (a) shall not exceed \$3,000.

14 “(B) MARRIED INDIVIDUALS FILING SEPA-
15 RATELY.—In the case of a married individual
16 filing a separate return, subparagraph (A) shall
17 be applied by substituting ‘\$1,500’ for ‘\$3,000’.

18 “(C) OTHER INDIVIDUALS.—If two or
19 more individuals who are not married own a
20 principal residence, the amount of the credit al-
21 lowed under subsection (a) shall be allocated
22 among such individuals in such manner as the
23 Secretary may prescribe, except that the total
24 amount of the credits allowed to all such indi-
25 viduals shall not exceed \$3,000.

1 “(2) LIMITATION BASED ON MODIFIED AD-
2 JUSTED GROSS INCOME.—The amount allowable as
3 a credit under subsection (a) (determined without
4 regard to this paragraph) for the taxable year shall
5 be reduced as provided in section 36(b)(2).

6 “(c) QUALIFIED FINANCING COSTS.—For purposes
7 of this section, the term ‘qualified refinancing costs’
8 means costs—

9 “(1) which are incurred to refinance acquisition
10 indebtedness (as defined in section 163(h)(3)) se-
11 cured by the principal residence of the taxpayer, and

12 “(2) which are not allowable as a deduction
13 under this chapter.

14 “(d) EXCEPTION.—No credit under subsection (a)
15 shall be allowed to any nonresident alien.

16 “(e) APPLICATION OF SECTION.—This section shall
17 only apply to refinancings after the date of the enactment
18 of this section and before July 1, 2010.”.

19 (b) CONFORMING AMENDMENTS.—

20 (1) Section 6211(b)(4)(A) of such Code is
21 amended by inserting “36A,” after “36,”.

22 (2) Section 1324(b)(2) of title 31, United
23 States Code, is amended by inserting “36A,” after
24 “36,”.

1 (3) The table of sections for subpart C of part
2 IV of subchapter A of chapter 1 of the Internal Rev-
3 enue Code of 1986 is amended by inserting after the
4 item relating to section 36 the following new item:

 “Sec. 36A. Temporary credit for costs of refinancing acquisition indebtedness
 secured by principal residence.”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 this section shall apply to refinancings after the date of
7 the enactment of this Act in taxable years ending after
8 such date.

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