

111TH CONGRESS
1ST SESSION

H. R. 4032

To amend the Internal Revenue Code of 1986 to extend the first-time homebuyer tax credit and to eliminate the first-time homebuyer requirement and increase the adjusted gross income limitations with respect to such credit, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 5, 2009

Mr. BRADY of Texas 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 the first-time homebuyer tax credit and to eliminate the first-time homebuyer requirement and increase the adjusted gross income limitations with respect to such credit, and for other purposes.

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. CREDIT FOR CERTAIN HOME PURCHASES.**

4 (a) ELIMINATION OF FIRST-TIME HOMEBUYER RE-
5 QUIREMENT.—

6 (1) IN GENERAL.—Subsection (a) of section 36
7 of the Internal Revenue Code of 1986 is amended by

1 striking “who is a first-time homebuyer of a prin-
2 cipal residence” and inserting “who purchases a
3 principal residence”.

4 (2) CONFORMING AMENDMENTS.—

5 (A) Subsection (c) of section 36 of such
6 Code is amended by striking paragraph (1) and
7 by redesignating paragraphs (2), (3), (4), and
8 (5) as paragraphs (1), (2), (3), and (4), respec-
9 tively.

10 (B) Section 36 of such Code is amended by
11 striking “**FIRST-TIME HOMEBUYER CREDIT**”
12 in the heading and inserting “**HOME PUR-**
13 **CHASE CREDIT**”.

14 (C) Subparagraph (W) of section 26(b)(2)
15 of such Code is amended by striking “home-
16 buyer credit” and inserting “home purchase
17 credit”.

18 (3) CLERICAL AMENDMENT.—The table of sec-
19 tions for subpart C of part IV of subchapter A of
20 chapter 1 of such Code is amended by striking the
21 item relating to section 36 and inserting the fol-
22 lowing new item:

“Sec. 36. Home purchase credit.”.

23 (4) EFFECTIVE DATE.—The amendments made
24 by this subsection shall apply to residences pur-

1 chased on or after the date of the enactment of this
2 Act.

3 (b) EXTENSION.—

4 (1) IN GENERAL.—Subsection (h) of section 36
5 of such Code is amended by striking “December 1,
6 2009” and inserting “December 1, 2010”.

7 (2) WAIVER OF RECAPTURE.—Subparagraph
8 (D) of section 36(f)(4) of such Code is amended—

9 (A) by striking “December 1, 2009” and
10 inserting “December 1, 2010”, and

11 (B) by inserting “AND 2010” after “2009”
12 in the heading thereof.

13 (3) ELECTION TO TREAT PURCHASE IN PRIOR
14 YEAR.—Subsection (g) of section 36 of such Code is
15 amended—

16 (A) by striking “December 1, 2009” and
17 inserting “January 1, 2010”, and

18 (B) by adding at the end the following: “In
19 the case of a purchase of a principal residence
20 after December 31, 2009, and before December
21 1, 2010, a taxpayer may elect to treat such
22 purchase as made on December 31, 2009, for
23 purposes of this section (other than subsections
24 (c) and (f)(4)(D)).”.

1 (4) EFFECTIVE DATE.—The amendments made
2 by this subsection shall apply to residences pur-
3 chased after November 30, 2009.

4 (c) MODIFICATION OF GROSS INCOME LIMITA-
5 TION.—

6 (1) IN GENERAL.—Subsection (b) of section 36
7 of such Code is amended—

8 (A) by striking “\$150,000” in paragraph
9 (2)(A)(i)(II) and inserting “\$300,000”, and

10 (B) by striking “\$75,000” in such para-
11 graph (2)(A)(i)(II) and inserting “\$150,000”.

12 (2) EFFECTIVE DATE.—The amendments made
13 by this subsection shall apply to residences pur-
14 chased after the date of the enactment of this Act.

15 (d) WAIVER OF RECAPTURE OF FIRST-TIME HOME-
16 BUYER CREDIT FOR INDIVIDUALS ON QUALIFIED OFFI-
17 CIAL EXTENDED DUTY.—

18 (1) IN GENERAL.—Paragraph (4) of section
19 36(f) of the Internal Revenue Code of 1986 is
20 amended by adding at the end the following new
21 subparagraph:

22 “(E) SPECIAL RULE FOR MEMBERS OF
23 THE ARMED FORCES, ETC.—

24 “(i) IN GENERAL.—In the case of the
25 disposition of a principal residence by an

1 individual (or a cessation referred to in
2 paragraph (2)) after December 31, 2008,
3 in connection with Government orders re-
4 ceived by such individual, or such individ-
5 ual's spouse, for qualified official extended
6 duty service—

7 “(I) paragraph (2) and sub-
8 section (d)(2) shall not apply to such
9 disposition (or cessation), and

10 “(II) if such residence was ac-
11 quired before January 1, 2009, para-
12 graph (1) shall not apply to the tax-
13 able year in which such disposition (or
14 cessation) occurs or any subsequent
15 taxable year.

16 “(ii) QUALIFIED OFFICIAL EXTENDED
17 DUTY SERVICE.—For purposes of this sec-
18 tion, the term ‘qualified official extended
19 duty service’ means service on qualified of-
20 ficial extended duty as—

21 “(I) a member of the uniformed
22 services,

23 “(II) a member of the Foreign
24 Service of the United States, or

1 “(III) as an employee of the in-
2 telligence community.

3 “(iii) DEFINITIONS.—Any term used
4 in this subparagraph which is also used in
5 paragraph (9) of section 121(d) shall have
6 the same meaning as when used in such
7 paragraph.”.

8 (2) EFFECTIVE DATE.—The amendment made
9 by this subsection shall apply to dispositions and
10 cessations after December 31, 2008.

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