

AMENDMENT

OFFERED BY MR. DREIER OF CALIFORNIA

and Mr. Bilby of California

At the end of the bill, add the following:

1 **TITLE III—REFUNDABLE TAX**
2 **CREDIT FOR RESIDENCES**
3 **PURCHASED DURING 2009 OR**
4 **2010**

5 **SEC. 301. REFUNDABLE TAX CREDIT FOR RESIDENCES PUR-**
6 **CHASED DURING 2009 OR 2010.**

7 (a) IN GENERAL.—Subpart C of part IV of sub-
8 chapter A of chapter 1 of the Internal Revenue Code of
9 1986 (relating to refundable credits) is amended by insert-
10 ing after section 36 the following new section:

11 **“SEC. 36A. GENERAL HOMEBUYER CREDIT FOR RESI-**
12 **DENCES PURCHASED DURING 2009 OR 2010.**

13 “(a) ALLOWANCE OF CREDIT.—In the case of an in-
14 dividual who makes an eligible purchase during the taxable
15 year, there shall be allowed as a credit against the tax
16 imposed by this subtitle for such taxable year an amount
17 equal to so much of the purchase price as does not exceed
18 the applicable amount.

19 “(b) APPLICABLE AMOUNT.—For purposes of sub-
20 section (a), the applicable amount is—

1 “(1) \$10,000 in the case of an eligible purchase
2 where the down payment is at least 15 percent of
3 the purchase price,

4 “(2) \$5,000 in the case of an eligible purchase
5 where the down payment is at least 10 percent of
6 the purchase price,

7 “(3) \$2,000 in the case of an eligible purchase
8 where the down payment is at least 5 percent of the
9 purchase price, and

10 “(4) zero in any other case.

11 “(c) DEFINITIONS.—For purposes of this section—

12 “(1) ELIGIBLE PURCHASE.—The term ‘eligible
13 purchase’ means the purchase of a residence for the
14 taxpayer if—

15 “(A) such residence is located in the
16 United States,

17 “(B) the construction of such residence
18 began before 2009, and

19 “(C) such purchase is made by the tax-
20 payer during 2009 or 2010.

21 “(2) OTHER DEFINITIONS.—The terms ‘pur-
22 chase’ and ‘purchase price’ have the respective
23 meanings given such terms by section 26(c).

1 “(d) EXCEPTIONS.—No credit shall be allowed under
2 subsection (a) to any taxpayer for any taxable year with
3 respect to the purchase of a residence if—

4 “(1) credit under section 36 (relating to first-
5 time homebuyer credit) or 1400C (relating to first-
6 time homebuyer in the District of Columbia) is al-
7 lowed to the taxpayer (or the taxpayer’s spouse) for
8 such taxable year or any prior taxable year,

9 “(2) the residence is financed by the proceeds
10 of a qualified mortgage issue the interest on which
11 is exempt from tax under section 103,

12 “(3) the taxpayer is a nonresident alien, or

13 “(4) the taxpayer disposes of such residence (or
14 such residence ceases to be a residence of the tax-
15 payer (or, if married, the taxpayer’s spouse)) before
16 the close of such taxable year. *

17 “(e) OTHER RULES TO APPLY.—

18 “(1) RELATED PERSONS.—Rules similar to the
19 rules of section 26(c)(5) shall apply for purposes of
20 this section.

21 “(2) MARRIED INDIVIDUALS FILING SEPARATE
22 RETURNS, ETC.—Rules similar to the rules of sub-
23 paragraphs (B) and (C) of section 26(b)(1) shall
24 apply for purposes of this section.

1 “(3) REPORTING.—Rules similar to the rules of
2 section 26(e) shall apply for purposes of this section.

3 “(f) RECAPTURE OF CREDIT.—Rules similar to the
4 rules of section 26(f) shall apply for purposes of this sec-
5 tion, except that—

6 “(1) paragraph (1) thereof shall be applied by
7 substituting ‘33 $\frac{1}{3}$ percent’ for ‘6 $\frac{2}{3}$ percent’, and

8 “(2) paragraph (7) thereof shall be applied by
9 substituting ‘3 years’ for ‘15 years.’”.

10 (b) CONFORMING AMENDMENTS.—

11 (1) Section 26(b)(2) of such Code is amended—

12 (A) in subparagraph (W)—

13 (i) by striking “homebuyer credit”
14 and inserting “first-time homebuyer cred-
15 it”, and

16 (ii) by striking “and”,

17 (B) by striking the period at the end of
18 subparagraph (X) and inserting “, and”, and

19 (C) by inserting after subparagraph (X)
20 the following new subparagraph:

21 “(Y) section 36A(f) (relating to recapture
22 of general homebuyer credit)”.

23 (2) Section 6211(b)(4)(A) of such Code is
24 amended by inserting “36A,” after “36,”.

1 (3) Section 1324(b)(2) of title 31, United
2 States Code, is amended by inserting “36A,” after
3 “36,”.

4 (4) The table of sections for subpart C of part
5 IV of subchapter A of chapter 1 of such Code is
6 amended by inserting after the item relating to sec-
7 tion 36 the following new item:

“Sec. 36A. General homebuyer credit for residences purchased during 2009 or
2010”.

8 (c) **EFFECTIVE DATE.**—The amendments made by
9 this section shall apply to residences purchased after De-
10 cember 31, 2008, in taxable years ending after such date.

