

103^D CONGRESS
2^D SESSION

H. R. 5021

To amend the Internal Revenue Code of 1986 to provide for the nonrecognition of gain on the sale of a principal residence if the taxpayer is unemployed.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 23, 1994

Mr. LAZIO 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 provide for the nonrecognition of gain on the sale of a principal residence if the taxpayer is unemployed.

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. NONRECOGNITION OF GAIN ON SALE OF PRIN-**
4 **CIPAL RESIDENCE IF TAXPAYER IS UNEM-**
5 **PLOYED.**

6 (a) IN GENERAL.—Subsection (d) of section 121 of
7 the Internal Revenue Code of 1986 (relating to one-time
8 exclusion of gain from sale of principal residence by indi-

1 vidual who has attained age 55) is amended by adding
2 at the end the following new paragraph:

3 “(10) SPECIAL RULES FOR RESIDENCE SOLD
4 DURING PERIOD OF UNEMPLOYMENT.—

5 “(A) IN GENERAL.—Subsection (a)(1)
6 shall not apply to the sale or exchange of any
7 residence during a period while the taxpayer or
8 the taxpayer’s spouse is unemployed.

9 “(B) DETERMINATION OF UNEMPLOY-
10 MENT.—For purposes of subparagraph (A), an
11 individual shall be treated as unemployed dur-
12 ing any period—

13 “(i) for which such individual is re-
14 ceiving unemployment compensation (as
15 defined in section 85(b)), or

16 “(ii) for which such individual would
17 have been entitled to receive unemployment
18 compensation (as so defined) but for—

19 “(I) the termination of the period
20 during which such compensation was
21 payable, or

22 “(II) an exhaustion of such indi-
23 vidual’s rights to such compensation.

24 “(C) REDUCTION IN MAXIMUM EXCLU-
25 SION.—In the case of a sale or exchange of any

1 residence to which subparagraph (A) applies,
2 the amount of the gain excluded from gross in-
3 come under subsection (a) shall not exceed the
4 excess (if any) of—

5 “(i) the applicable dollar amount con-
6 tained in subsection (b)(1), over

7 “(ii) the aggregate amount of gain ex-
8 cluded from gross income under subsection
9 (a) with respect to all prior sales and ex-
10 changes (other than a sale or exchange
11 which is not taken into account by reason
12 of subsection (b)(3)).

13 “(D) ADDITIONAL ELECTION.—Any elec-
14 tion under this section with respect to any resi-
15 dence to which subparagraph (A) applies shall
16 not be taken into account in determining
17 whether any other election may be made under
18 this section.”

19 (b) EFFECTIVE DATE.—The amendment made by
20 this section shall apply to sales and exchanges after the
21 date of the enactment of this Act in taxable years ending
22 after such date.

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