

## Help to Buy (HTB)

### Part 15-01-46

This document should be read in conjunction with section 477C of the Taxes Consolidation Act (TCA) 1997

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## 1. Introduction

Section 9 of Finance Act 2016 introduced a new section 477C into the Taxes Consolidation Act 1997 (TCA). The section provides for the making of a payment to assist first-time buyers to obtain a deposit to purchase or build their first home. The provision is entitled Help to Buy (HTB).

The HTB payment is provided at deposit stage following the signing of a contract to purchase or, in the case of a self-build, following the drawdown of the first tranche of the relevant mortgage.

Subject to a maximum repayment amount, HTB takes the form of a repayment of income tax, including DIRT, paid for the four tax years prior to making an application, with the first-time buyers given the option of selecting all or any of the previous four tax years.

As part of the Government's July 2020 Stimulus package, enhanced HTB rates were introduced to Section 477C by virtue of subsection 5A. The enhanced rates take effect from the 23 July 2020 and have been extended to 31 December 2022 in Finance Act 2021.

Claims for HTB must be made through Revenue's online services.

### 1.1. Reference Documents

Please see links below to useful Help to Buy guidance documents which are available on the Revenue website:

[Help to Buy - Summary guide for Help to Buy Applicants](#)

[Help to Buy - Summary guide for Solicitors](#)

[Help to Buy - Summary guide for Contractors](#)

[Help to Buy - Summary guide for Lending Institutes](#)

## 2. How much can be claimed?

The Help to Buy scheme provides that where applicants:

- (i) sign a contract for the purchase of a qualifying residence, or
- (ii) draw down the first tranche of their mortgage in the case of a self-build qualifying residence,

during the qualifying period, they will be eligible to claim HTB relief. The amount of relief available depends on whether the application relates to the original HTB rates, or the enhanced HTB rates.

### 2.1. Enhanced Help to Buy Rates

In instances where applicants sign a contract for the purchase of a new qualifying residence, or draw down the first tranche of their mortgage in the case of a self-build

qualifying residence, during the period **23 July 2020 to 31 December 2022**, they will be eligible for HTB relief to the lesser of:

- (1) €30,000, or
- (2) 10% of the purchase price of the qualifying residence or its approved valuation in the case of self-build qualifying residence, or
- (3) the amount of income tax and DIRT paid for the four years prior to making the application.

Where the enhanced HTB rates apply, the relief is capped at €30,000 per property.

## 2.2. Original Help to Buy Rates

In instances where applicants sign a contract for the purchase of a qualifying residence, or draw down the first tranche of their mortgage in the case of a self-build qualifying residence, between **1 January 2017 and 22 July 2020**, the maximum relief available is the lesser of:

- (1) €20,000, or
- (2) 5% of the purchase price of the qualifying residence or its approved valuation in the case of a self-build, or
- (3) The amount of income tax and DIRT paid for the 4 tax years prior to making an application.

Where the original HTB rates apply, the relief is capped at €20,000 per property.

## 2.3. Retrospective Claims

In instances where applicants sign a contract for the purchase of a qualifying residence or draw down the first tranche of their mortgage in the case of a self-build qualifying residence, between 19 July 2016 and 31 December 2016, the original HTB rates apply.

**Applications in respect of this period must have been made on or before 31 December 2019 in order to avail of the relief.**

## 3. Who Can Claim Help to Buy?

To be eligible for HTB the applicant must:

- (i) be a **first-time buyer** at the time of the claim – [paragraph 4](#)
- (ii) purchase, or self-build, a **qualifying residence** – [paragraph 5](#)
- (iii) live in the qualifying residence as his/her main residence for five years from the date of occupation – [paragraph 5](#)
- (iv) in the case of a purchase, the contract must be entered into within the **qualifying period**. In the case of a self-build, the first tranche of

the mortgage must be drawn down within the **qualifying period** - [paragraph 6](#)

- (v) take out a **qualifying loan** (mortgage) on the qualifying residence with a **qualifying lender**. The mortgage must be at least 70% of the **purchase value / approved valuation** – [paragraph 7](#)
- (vi) be tax compliant – [paragraph 8](#).

#### 4. What is a First Time Buyer?

For the purposes of HTB, a first-time buyer is an individual who, at the time of the HTB claim has not:

- either individually, or jointly with another person,
- previously purchased or built,
- directly or indirectly,
- on his or her own behalf,

a dwelling.

In order to be eligible to claim HTB, an individual must be a first-time buyer. Where more than one individual is involved in purchasing or building a qualifying residence, all of the individuals must be first-time buyers. However, where a first-time buyer is required to have a guarantor on the mortgage (who is not a first-time buyer), the first-time buyer will still be eligible for HTB where all the other conditions are met.

##### Example 1

Denise and Noel are looking to buy a home together. Noel is a first-time purchaser, but Denise has bought a house previously. They do not qualify for HTB as Denise has previously owned a house.

##### Example 2

John and Margaret are both first time buyers and they satisfy all the conditions for HTB. Their bank insists that they have a guarantor added to the mortgage, so they have nominated Margaret's father Paddy. Paddy is not a first-time buyer, but this does not exclude John and Margaret from qualifying for HTB once all other conditions have been met.

The following material is either exempt from or not required to be published under the Freedom of Information Act 2014.

[...]

#### 4.1. Inherited Properties

An individual who may have previously inherited a house, or a share in a house, may not be precluded from claiming HTB, provided all other conditions for the scheme are met.

### 5. What is a Qualifying Residence?

Section 477C (1) provides the definition of a “qualifying residence”.

- (1) The property must be a new build with the construction subject to VAT in Ireland at the rate specified by section 46(1)(c) of the Value Added Tax Consolidation Act 2010.
- (2) The property must be bought or built as the first-time buyer’s home.
- (3) The property must not previously, **at any time**, have been used, or suitable for use, as a dwelling. If the property was non-residential, but has been converted for residential use, it may qualify for HTB – [paragraph 5.1](#).
- (4) The purchase value / approved valuation of the residence must not exceed the maximum threshold – [paragraph 5.5](#).
- (5) The property must be occupied by the first-time buyer, or at least one of the first-time buyers in the case of multiple first-time buyers, for a period of five years from the date of occupation.
- (6) In cases where the property is being purchased rather than self-built, the vendor must be a qualifying contractor – [paragraph 9](#).

Properties acquired for investment purposes do not qualify for HTB.

#### 5.1. Previously not suitable as a dwelling

As noted above, for a property to be deemed a qualifying property for the purposes of the HTB scheme, the property must not have been previously used, or previously suitable for use, as a dwelling. The “suitable for use” condition requires careful consideration, as the scope is wider than buildings in which people actually live and extends to buildings in which people **could** live.

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[...]

### Example 3

In 2014, a contractor built a new home. It was completed and ready for sale by December 2014. He decided not to put the house on the market until August 2021. This property does not qualify under HTB. It is not considered a new build under the HTB scheme as it was suitable for use as a dwelling in December 2014.

### Example 4

In 2013, a contractor commenced building a new home. He encountered financial difficulties and left the house unfinished, with no floor and no essential services connected, leaving substantial works to be carried out. In September 2021, he completed the house and in October 2021 he signed a contract to sell it to Ann and Michael. Subject to Ann and Michael satisfying all other conditions of the scheme, the property would qualify for HTB because it was not **at any time** prior to September 2021 suitable for use as a dwelling.

### Example 5

A contractor built six new houses in 2013 which were ready for sale when he found himself in financial difficulties. His company went into receivership. The receiver sold the properties in October 2021. These properties will not qualify for HTB as they were suitable for use as dwellings since 2013.



## 5.2. Refurbishment of an old property

The legislation is very specific as to the definition of a qualifying residence. It must be a new building which was not, at any time, used or suitable for use as a dwelling. Renovation or refurbishment of old houses to either upgrade or restore them do not qualify for HTB.

## 5.3. Purchase of site containing a derelict house

First-time buyers may purchase a site containing a house which is derelict and which they plan to demolish, in whole or in part, with the intention of building a new house. First time buyers intending to undertake such purchases should contact Revenue who will consider eligibility for HTB in such circumstances on a case by case basis.

## 5.4. Purchase of a property from a Local Authority

Where a first-time buyer purchases a new house or apartment from a local authority or state agency, the first-time buyer will be eligible for the HTB scheme subject to satisfying all other requirements.

## 5.5. Maximum Purchase Value / Approved Valuation

In order to be deemed a qualifying residence, the purchase value / approved valuation of the property must not exceed €500,000.

### 5.5.1. Purchase Value of a purchased property

The purchase value of a purchased property is the price paid for the residence. The price paid shall not be less than its market value. It is the amount the purchaser is required to pay to the contractor for the purchase of the property and which is set out in the contract for the purchase of the property.

### 5.5.2. Approved Valuation of a self-built property

The approved valuation of a self-built property is the valuation of the property at the time the mortgage was entered into. It should be approved by the mortgage provider and in accordance with the Central Bank's macro prudential rules. It will be a matter for the lending institution to provide the HTB claimant with the approved valuation in relation to a self-build property.

### 5.5.3. Retrospective Claims

A maximum purchase value / approved valuation of €600,000 applied where a contract for the purchase of a new house/apartment was entered into or, in the case of a self-build, the first tranche of a qualifying loan was drawn down during the period 19 July 2016 to 31 December 2016.

## 6. What is the Qualifying Period?

The qualifying period is defined by Section 477C (1) as commencing on 19 July 2016 and ending on 31 December 2022. As noted in [paragraph 2](#), the maximum relief available depends on when the contract to purchase the qualifying residence was entered into, or when the first tranche of the mortgage was drawn down in the case of a self-build qualifying residence.

Applicants who enter into a contract to purchase a qualifying residence, or drawdown the first tranche of their mortgage:

- during the period **23 July 2020 to 31 December 2022** may avail of the enhanced rates – [paragraph 2.1](#).
- during the period **1 January 2017 to 22 July 2020** may avail of the original HTB rates – [paragraph 2.2](#).
- during the period **19 July 2016 to 31 December 2016** may avail of the original HTB rates – [paragraph 2.3](#).

### Example 6

Rose and Charlie are both first-time buyers. They signed a contract to buy a new house from a developer in August 2016. They paid a deposit of €38,000. As their contract with the developer to purchase the property was entered into after 19 July 2016, they are eligible to apply for HTB. They must have submitted their application prior to 31 December 2019.

### Example 7

Trudi and Mary are both first-time buyers. They signed a contract to purchase a new house off the plans in May 2016. As they signed the contract to purchase the property prior to 19 July 2016, they do not qualify for HTB.

### Example 8

Simon is a first-time buyer who is building his own home. He drew down the first tranche of his mortgage loan on 2 July 2016. Simon does not qualify for HTB as the first tranche of his mortgage was drawn down before 19 July 2016.

### Example 9

Susan signed a contract to purchase a new home on 14 August 2020. Subject to Susan satisfying all other HTB conditions, she may avail of the enhanced HTB relief.

## 7. Mortgage Requirement

In order to be eligible to claim HTB, a qualifying loan must be taken out on the qualifying residence, with a qualifying lender. The loan-to-value ratio must be a minimum of 70%.

## 7.1. Qualifying Loan

A qualifying loan is a loan which is:

- (1) used wholly and exclusively for the purchase of a qualifying residence or, used wholly and exclusively for the provision of a self-build qualifying residence. The cost of the site is included in self-build cases.
- (2) entered into solely by the first-time buyer and the qualifying lender. This means that all parties to the loan must be first time buyers. The first-time buyer requirement does not extend to a guarantor on the loan.
- (3) secured by a charge on the qualifying residence.

Funding provided by the State as part of a shared equity arrangement does not meet the criteria of a qualifying loan. The equity facility is not a loan and is not regulated by the Central Bank.

## 7.2. Qualifying Residence

See [paragraph 5](#) above.

## 7.3. Qualifying Lender

A qualifying lender for the purposes of HTB is defined by section 244A (3). “The following bodies shall be qualifying lenders:

- (a) a bank holding a licence under section 9 or an authorisation granted under section 9A of the Central Bank Act 1971
- (b) a building society incorporated or deemed to be incorporated under the Building Societies Act, 1989
- (c) a trustee savings bank within the meaning of the Trustee Savings Banks Acts 1863 to 1989
- (d) ACC Bank plc;
- (e) a local authority;
- (f) a body which:
  - i. holds a licence or similar authorisation, corresponding to a licence granted under section 9 of the Central Bank Act 1971, or
  - ii. has been incorporated in a manner corresponding to that referred to in paragraph (b),  
under the law of an EEA state, other than the State, or of the United Kingdom and provides qualifying mortgage loans; and
- (g) a body which applies to the Revenue Commissioners for registration as a qualifying lender and in respect of which the Revenue Commissioners, having regard to the activities and objects of the body, are satisfied is entitled to be so registered.”

Guidance for lenders is available on the Revenue website - [Help to Buy -Summary guide for Lending Institutes](#).

#### 7.4. Loan-to-Value Ratio

HTB will only apply where a mortgage is taken out to purchase or build a home and where the value of the qualifying loan is a minimum of 70% of the purchase value/ approved valuation of the property.

Only mortgage loans from qualifying lenders are considered in calculating the 70% loan-to-value ratio. As explained above in paragraph 7.1, funding received from the State as part of a Shared-Equity Scheme would not form part of this calculation.

##### **Example 10**

Mary and Tony enter into a contract to purchase a newly built house. The purchase price of the house is €450,000. In order to satisfy the loan to value ratio, they must take out a mortgage on the property of at least €315,000.

##### **Example 11**

Niamh requires a mortgage of €150,000 to complete her self-built house. Her lending institution values the property, in accordance with the Central Bank's macro prudential rules, at €230,000. The valuation includes €70,000 for the value of the site, which she had been previously gifted. The mortgage of €150,000 is approved, however, as the loan to value ratio is less than 70%, Niamh will not qualify for HTB.

### 8. Tax Compliance Requirement

Taxpayers must be tax compliant order to be eligible for the HTB scheme. The onus is on the taxpayer to ensure their tax affairs are in order prior to applying for HTB. This is a requirement for both PAYE taxpayers and self-assessed taxpayers alike.

[Guidance on applying for tax clearance](#) is available on the Revenue website.

#### 8.1. PAYE Taxpayers

Before applying for HTB, PAYE taxpayers must submit an Income Tax (IT) Return for each relevant tax year. A relevant tax year is defined in section 477C as being a year of assessment within the 4 tax years immediately preceding the year in which an application is made. The relevant tax years are essentially, the years for which the repayment of income tax/DIRT relate, following a successful claim for the relief. Any outstanding tax due for a relevant tax year must be paid in full in order to claim the relief.

In cases where PAYE taxpayers are registered for another tax during any part of a relevant tax year, a Tax Clearance Certificate (TCC) must be in place for the year(s) in question.

## 8.2. Self-Assessed Taxpayers

Self-assessed taxpayers must be fully tax compliant in order to be eligible for HTB. Income Tax Returns must be filed for all years of self-assessment, and all tax liabilities thereon must be discharged in full.

## 8.3. Underpayments caused by COVID-19 support schemes

An underpayment of tax in 2020 due to income received from the Pandemic Unemployment Payment (PUP) or Temporary Wage Subsidy Scheme (TWSS) does not need to be paid in 2021 in order for a HTB applicant to be deemed tax compliant.

Revenue will collect the underpayments, interest free, by reducing tax credits over 4 years starting in 2022. This concession applies to PAYE taxpayers only.

The following material is either exempt from or not required to be published under the Freedom of Information Act 2014.

[...]

## 9. Qualifying Contractor

In order to be eligible for HTB, a contract to purchase a qualifying residence must be entered into with a qualifying contractor. This requirement does not apply in the case of self-builds.

It is the responsibility of the purchaser to ensure the vendor is a qualifying contractor, prior to committing to a contract and applying for HTB. A list of qualifying contractors is available on the Revenue website - [Listing of Registered Qualifying Contractors](#).

To become a qualifying contractor for the purposes of HTB, building contractors must be VAT registered and tax compliant. [Guidance on how to become a qualifying contractor](#) is available on the Revenue website and in the [Help to Buy - Summary guide for Contractors](#).

Qualifying contractors have an important role in the verification stage of the HTB process. Contractors are required to verify information provided by the applicant. If the contractor is not satisfied that the information provided is correct, it is important that the contractor requests the applicant to update the information appropriately.

Qualifying Contractors will only be involved in the verification stage of the HTB process and only in the case of a purchase of a house or apartment, not in the case of a self-build. See [paragraph 11.3](#) for more information on the verification stage.

Details of the contractor's involvement in the HTB process are set out in the [Help to Buy - Summary guide for Contractors](#).

## 10. Role of the Solicitor

Where a HTB applicant is self-building a new house, his or her solicitor is required to provide certain information to Revenue and to verify the HTB claim.

Before a solicitor can provide information and verify a HTB claim for a self-build, he or she must first apply to Revenue to be a registered solicitor for HTB. [Guidance on how to become a registered solicitor](#) is available on the Revenue website and in the [Help to Buy - Summary guide for Solicitors](#).

Solicitors are required to verify information provided by the applicant in the case of self builds. If the solicitor is not satisfied that the information provided is correct, it is important that the solicitor requests the applicant to update the information appropriately.

Details of the solicitor's involvement in the HTB process are set out in the [Help to Buy - Summary guide for Solicitors](#).

## 11. The Help to Buy Process

The process for a first-time buyer to claim HTB involves three stages:

- (i) Application stage ([paragraph 11.1](#))
- (ii) Claim stage ([paragraph 11.2](#))
- (iii) Verification stage ([paragraph 11.3](#))

All stages of the process are completed online through Revenue's online services – [MyAccount](#) and [ROS](#).

### 11.1. Application Stage

In order to make an application, the first-time buyer must firstly be registered with Revenue's online service. PAYE taxpayers can do this through 'myAccount' and self-employed taxpayers can do this through ROS.

The first-time buyer will be required to provide a PPSN and complete a declaration. Provided the first-time buyer is tax compliant, an Application Number and a summary of the maximum HTB amount available will be provided. The first-time buyer can then share information of the HTB amount available to him or her with a lending institution when negotiating a loan. An Access Code will be issued separately through Revenue's secure email MyEnquiries.

Both the Application Number and the Access Code should be retained as they will be required by both the lender and qualifying contractor in order to verify the HTB available.

First-time buyers must ensure they have the relevant tax returns filed and any outstanding balances paid. Please refer to the tax compliance requirement at [paragraph 8](#) above.

First-time buyers who intend to purchase a new property should ensure their contractor is a Revenue approved qualifying contractor for the purposes of Help to Buy. The [list of registered qualifying contractors](#) is available on the Revenue website. **This does not apply in the case of first-time buyers intending to self-build.**

Full details on how to make an application is available on the Revenue website at [Help to Buy - Summary guide for Help to Buy Applicants](#).

#### 11.1.1. How long is an application for HTB valid?

A valid claim must be submitted before an application expires, otherwise an application will have to be resubmitted.

An application for HTB will expire when one or more of the following occurs:

- (i) it is discovered that the individual did not satisfy a condition of HTB,
- (ii) an individual's tax clearance is rescinded, or
- (iii) 31 December (in the tax year in which the application is made).

In respect to point (iii) above, where an application is made during the period 1 October to 31 December, and a claim is made on foot of such an application in the period 1 January to 31 March of the following year, the claim will be deemed to have been made in the prior year.

However, the timeframe for entering into a contract to purchase or to have drawn down the first tranche of a qualifying loan does not change. The end date of 31 December 2022 for so doing still applies.

#### **Example 12**

In October 2021, Amanda views a new house which she hopes to buy. She makes an application to Revenue for HTB at that time. Revenue advise Amanda that the maximum HTB available to her is €17,000. She decides to go ahead and purchase the qualifying residence. She completes her HTB claim with Revenue in March 2022. As Amanda makes her application to Revenue in the period 1 October to 31 December 2021, signs the contract with the builder on or before 31 December 2021 and makes her claim between 1 January and 31 March 2022, her claim is deemed to have been made in 2021. The relevant years for calculating the amount of the HTB payment are 2017 to 2020 i.e. the 4 years immediately preceding her application, deemed to have been made in 2021.

**Example 13**

On 1 March 2021, Luke makes an application for HTB and confirms that he is a first-time buyer. Before he enters into a contract to purchase a house, information becomes available to Revenue which indicates that Luke previously owned a home abroad. The application Luke made for HTB ceases to be valid from the time Revenue confirms the prior home ownership by Luke.

**Example 14**

Jane makes an application to Revenue for HTB on 1 August 2021 as she intends to purchase a house. Revenue advise Jane of the maximum HTB relief available to her. Jane does not enter into a contract to purchase a house until January 2022. The application Jane made is only valid until 31 December 2021, so she will need to make a new application for HTB in 2022.

**11.2. Claim Stage**

After the successful completion of an application, first-time buyers can proceed to the claim stage. The nature and type of information required varies depending on whether the claim relates to the purchase of a qualifying property, or to a self-build.

The following documents **must** be provided to Revenue at the claim stage:

Information required	Purchase of Qualifying Property	Self-Build
Mortgage institution details	✓	✓
Mortgage approval details	✓	✓
Copy of the signed contract which must be signed and dated by all parties to the transaction	✓	
Amount of deposit already paid	✓	
Proof of drawdown of the first tranche of the relevant mortgage		✓
Copy of the valuation report from the qualifying lender		✓
Date of completion		✓

Once a claim has been submitted, a Claim Number will be provided. Full details on how to make a claim is available on the Revenue website at [Help to Buy - Summary guide for Help to Buy Applicants](#).



### 11.3. Verification Stage

Before a HTB refund is approved, the information provided at the claim stage will need to be verified by an eligible verifier. An eligible verifier is the:

- i. qualifying contractor in the case of a purchase,
- ii. solicitor in the case of a self-build.

Once a claim has been submitted, the applicant should advise the eligible verifier and provide them with the Claim Number, issued after the claim stage, and the Access Code, which issued when the application was approved.

Once the verification stage is complete the refund is limited to 10% (5% under the original HTB scheme) of the purchase value / approved valuation. This may mean that it is different to the maximum relief amount advised at the application stage. See [paragraph 5.5](#) for information on the purchase value / approved valuation.

#### 11.3.1. Purchase of Qualifying Properties

In the case of the purchase of a qualifying property, the contractor will be part of the verification process.

Contractors are required to verify the information which was provided by the applicant during the claim stage. If the contractor is not satisfied that the information provided is correct, it is important that the contractor requests the applicant to update the information appropriately.

For a contractor to become part of the HTB process, they must first apply to Revenue to register as a “Qualifying Contractor”. Qualifying Contractors will only be involved in the verification stage of the HTB process and only in the case of the purchase of a qualifying residence.

Details of the contractor’s involvement in HTB are set out in the [Help to Buy – Summary guide for Contractors](#).

#### 11.3.2. Self-Build Properties

In the case of a self-build, the solicitor will be part of the verification process. Where a HTB applicant is self-building a new qualifying property, his or her solicitor is required to provide certain information to Revenue and to verify the HTB claim.

Before a solicitor can provide information and verify a HTB claim for a self-build, he or she must first apply to Revenue to be a registered solicitor for HTB.

If the solicitor is not satisfied that the information provided is correct, it is important that the solicitor requests the applicant to update the information appropriately.

Details of the solicitor’s involvement in HTB is set out in the [Help to Buy - Summary guide for Solicitors](#).

## 12. How is HTB calculated?

Depending on whether the applicant qualifies for the enhanced HTB or the original HTB the relief is calculated as follows:

### 12.1. Enhanced HTB Rates

Relief available under the enhanced HTB scheme will be capped at the lower of:

- (i) €30,000,
- (ii) The amount of income tax and DIRT paid for the 4 tax years prior to making an application, or
- (iii) 10% of the purchase value / approved valuation.

The enhanced HTB rates apply in instances where applicants sign a contract for the purchase of a new qualifying residence or draw down the first tranche of their mortgage in the case of a self-build qualifying residence, during the period **23 July 2020 to 31 December 2022**.

### 12.2. Original HTB relief

Relief available under the original HTB scheme will be capped at the lower of:

- (i) €20,000,
- (ii) The amount of income tax and DIRT paid for the 4 tax years prior to making an application, or
- (iii) 5% of the purchase value / approved valuation.

The original HTB rates apply in instances where applicants sign a contract for the purchase of a new qualifying residence or draw down the first tranche of their mortgage in the case of a self-build qualifying residence, during the period **1 January 2017 to 22 July 2020**.

#### Example 15

Mairead and James are married and are jointly assessed for tax purposes. They entered into a contract to purchase their first home in October 2021 and made an application for HTB at that time. The cost of the property (a newly-built apartment) was €250,000. As they make their HTB claim to Revenue in February 2022, their application is deemed to have been made in the year 2021 (see [paragraph 11.1.1](#)). Income tax and DIRT paid by the couple for the four prior tax years was as follows:

2017	€6,200
2018	€6,400
2019	€6,800
2020	<u>€7,200</u>
Total	€26,600

The maximum HTB due to Mairead and James is €25,000 i.e. €250,000 X 10%.

**Example 16**

Amy is a first-time buyer and entered into a contract to purchase a new house in November 2021 for €400,000 and makes an application to Revenue for HTB the same month. She completes her HTB claim to in January 2022 and so her application is deemed to have been made in the year 2021 (see [paragraph 11.1.1](#)). Income tax and DIRT paid by Amy for the four prior tax years was as follows:

2017	€16,200
2018	€17,400
2019	€18,800
2020	<u>€19,200</u>
Total	€71,600

The maximum HTB available to Amy is €30,000. Although 10% of the purchase price is €40,000, the maximum HTB available is €30,000.

**Example 17**

Louise is a first-time buyer and entered into a contract to purchase her first house in August 2021. The house was a new build priced at €680,000. As this is over the HTB purchase value threshold, she does not qualify for the incentive – see [paragraph 5.5](#).

**12.2.1. Transitioning from the original rates to the enhanced rates**

Where applicants have made a HTB application with Revenue under the original HTB scheme but satisfy the requirements of the enhanced HTB relief, the applicants should automatically receive the enhanced HTB relief when they complete the claim stage of the process. There is no need to cancel and resubmit an application.

Where an applicant's claim has been approved by their eligible verifier after 23 July 2020, but the applicant believes he or she satisfies the conditions necessary for entitlement to the enhanced relief but has not received it, the applicant will need to contact Revenue via MyEnquiries to have his or her claim reviewed.

Full details on how to re-apply for HTB under the enhanced rules is available on the Revenue website at [Help to Buy - Summary guide for Help to Buy Applicants](#).

**Example 18**

Both Alan and Mark are first time buyers and have made a HTB application to Revenue in June 2020 but have not signed the contract for the purchase of their new house. They sign the contract for the purchase of their qualifying residence on 6 August 2020. Given they have signed the contract between 23 July 2020 and 31 December 2022, they satisfy the requirements of the new enhanced HTB relief.

Alan and Mark should automatically receive the enhanced HTB relief when they complete the claim stage of the process and they do not need to resubmit their application.

**Example 19**

Anna and Jack are building their first home. They applied for the HTB relief in April 2020 and made the first drawdown of their mortgage at the end of June 2020. They plan to cancel their application and re-apply for the enhanced HTB. Although, Anna and Jack are planning to reapply within the specified period (23 July 2020 to 31 December 2021) they are unable to avail of the enhanced HTB rates because they have received the first drawdown of their mortgage prior to the introduction of the enhanced HTB relief.

**12.3. Maximum HTB per property**

A maximum payment applies per qualifying property. This cap applies regardless of how many people enter into a contract to purchase the qualifying property. The maximum HTB payment is:

- (i) €30,000 per property under the enhanced rates
- (ii) €20,000 per property under the original rates.

**Example 20**

Maura is a first-time buyer and enters into a contract to purchase a new house for €490,000 in April 2020. Income tax paid by Maura for the four tax years preceding her application for HTB is €23,000. The HTB available to Maura is €20,000 i.e. the maximum amount for the original HTB scheme - the conditions of the enhanced HTB relief are not satisfied.

**Example 21**

Joe and Robert are first time buyers and entered into a contract to purchase a new house in November 2021 for €500,000. Income tax paid by Joe and Robert for the four years preceding their application for HTB is €51,000. HTB available to Joe and Robert is €30,000 i.e. the maximum amount for the enhanced HTB scheme.

**13. Calculating the Refund of Income Tax and DIRT**

Where an individual qualifies for HTB, he or she can make an application to Revenue. The payment will be based on the individual's income tax and DIRT payments for the four tax years immediately preceding the year of application, starting with the earliest year.

All HTB claimants (whether PAYE or self-assessed) may select any or all of the previous four tax years prior to the date of application for the purposes of calculating HTB.

Prior to making an application for HTB, all taxpayers must ensure they are tax compliant – [paragraph 8](#).

HTB will be calculated firstly based on the amount of income tax paid for the preceding four tax years, starting with the earliest year selected by the claimant. Where the HTB maximum has not been reached, DIRT paid in the preceding four tax years will be taken into account, starting with the earliest year selected by the claimant.

### Example 22

Susan qualifies for HTB and has made an application and a claim. As the purchase price of her qualifying residence is €500,000, she would qualify for a maximum payment of €30,000 (enhanced HTB scheme) provided she has paid that amount of income tax and DIRT for the four years prior to her application. She has selected the years 2018 to 2021 for refund of income tax and DIRT.

HTB will be calculated as follows:

#### Step 1 – Income Tax

Income tax paid, starting with the earliest year selected by the claimant, is as follows:

2018	€2,000
2019	€3,500
2020	€5,000
2021	€5,400
Total	€15,900

#### Step 2 – DIRT

As Susan has not reached €30,000 under Step 1, she is therefore entitled to include DIRT paid, starting with the earliest year selected, as follows:

2018	€860
2019	€640
2020	€1,000
2021	€1,300
Total	€3,800

HTB due is €19,700, i.e. €15,900 (income tax) + €3,800 (DIRT).

**Example 23**

Colm qualifies for a maximum HTB payment of €30,000 on the basis of a qualifying residence price of €450,000 (enhanced HTB scheme) and has made an application and a claim. He has selected the tax years 2018 to 2021. Details for the four years are as follows:

Years of Claim	Income Tax paid	DIRT Paid	Total
2018	€5,000	€500	€5,500
2019	€7,000	€500	€7,500
2020	€10,000	€600	€10,600
2021	€10,000	€600	€10,600
			€34,200

HTB will be calculated as follows:

**Step 1 – Income Tax**

Income tax paid, starting with the earliest year selected by Colm, as follows:

2018	€5,000		
2019	€7,000		
2020	€10,000		
2021	€8,000		
	€30,000		

**Step 2 – DIRT**

Step 2 is not necessary as the maximum of €30,000 is reached in Step 1.

**13.1. HTB - Joint Assessment**

For first-time buyers who have been assessed to tax as single persons for the four-year period preceding an application, identifying the income tax paid for those years and determining the amount of HTB due to each individual is relatively straightforward.

It is not quite as straightforward in the case of a claimant, who is separated or divorced, and who had previously opted to be jointly assessed to income tax.

In the case of married couples and civil partners who are jointly assessed for income tax purposes for any of the years in respect of which they wish to claim HTB, the amount of the income tax deemed to be paid by each spouse or civil partner, for the purposes of HTB, is a proportion of the total income tax paid as a jointly assessed couple, split between them on the basis of their respective total incomes.

The amount of income tax deemed to be paid by each spouse or civil partner is determined by the following formula:

$$\frac{A \times C}{B}$$

B

where –

- A is the amount of total income (if any) of the claimant for the tax year,
- B is the sum of the amount of the total income (if any) of the claimant and the amount of the total income (if any) of the claimant's spouse or civil partner, and
- C is the amount of income tax paid for the tax year.

#### Example 24

Philip and Josephine were married and assessed to tax under joint assessment for the years 2018 and 2019. Josephine was the assessable spouse. They divorced in December 2019. Philip is purchasing a house costing €280,000 and qualifies for HTB, having not previously owned a house. He has made an application in 2022 and a claim and has selected the years 2018 to 2021.

Total income and income tax paid for each year is as follows:

Year 2018	Total Income	Income Tax paid
Philip	€29,000	€4,000
Josephine	€37,000	€5,000
Total	€66,000	€9,000
Year 2019	Total Income	Income Tax paid
Philip	€30,000	€4,000
Josephine	€37,000	€5,500
Total	€67,000	€9,500
Year 2020	Total Income	Income Tax paid
Philip	€25,000	€3,500
Year 2021	Total Income	Income Tax paid
Philip	€25,500	€3,700

The maximum HTB available to Philip is:

Starting with the earliest year:

2018	$\frac{\text{€}29,000 \times \text{€}9,000}{\text{€}66,000}$	= €3,954
2019	$\frac{\text{€}30,000 \times \text{€}9,500}{\text{€}67,000}$	= €4,253
2020		= €3,500
2021		= €3,700
Total available		€15,407

The HTB payment to Philip will be €15,407.

If Josephine were to make a claim for HTB, the amount of income tax available to her in respect of 2018 and 2019 would be:

2018	$\frac{\text{€}37,000 \times \text{€}9,000}{\text{€}66,000}$	= €5,045
2019	$\frac{\text{€}37,000 \times \text{€}9,500}{\text{€}67,000}$	= €5,246
		€10,291

Situations may arise where a claimant has been assessed jointly for part of a year and as a single individual for the remaining part of that year. In that scenario, the amount of income tax payable and paid by the claimant for such tax year consists of:

- (a) for the period in which joint assessment applied, an amount determined using the formula at [paragraph 13.2](#) above (with any reference to tax year being replaced by the period concerned),
- and,
- (b) for the period in which joint assessment no longer applied, the amount of income tax payable and paid by the claimant for that period.

#### 14. Who will receive the HTB payment?

The party to which the payment will be made depends on the timing of the claim and whether or not the property is a self-build property.



### 14.1. Payment to the claimant

In all cases involving a self-build, the payment will be made for the benefit of the claimant. The legislation specifies that the payment will be made to the qualifying loan account held with the qualifying lender. In instances where this is not possible, an agreement may be sought with Revenue to make the payment into a nominated account.

### 14.2. Payment to the contractor

The payment will be made to the contractor (as part of the deposit) where, in the period from 1 January 2017 to 31 December 2022 inclusive, a contract for the purchase of a qualifying residence is entered into (i.e. not a self-build house) by the claimant.

#### **Example 25**

Michael enters into a contract to purchase a qualifying residence in April 2021. Where he satisfies all the conditions necessary for HTB and makes an application and a claim, Revenue will make the payment directly to the contractor (as part of Michael's deposit).

#### **Example 26**

Therese has purchased a site and has entered into a contract to have a house built on it. The building work commences on 8 May 2019 and she draws down the first tranche of her loan from the mortgage institution on that date. Where Therese satisfies all the conditions necessary for HTB and makes an application and a claim, Revenue will make the payment directly to an account which Therese has with the mortgage institution that advanced the qualifying loan.

## 15. Clawbacks

In certain circumstances, there will be a clawback of part or all of the HTB payment.

### 15.1. Clawback from the claimant(s)

#### **Minimum period of occupation**

On completion, a qualifying residence must be occupied for a minimum period of 5 years by the first-time buyer as his or her only or main residence, otherwise the HTB payment will have to be repaid to Revenue. Where more than one first-time buyer is a party to the claim for HTB, no clawback will apply where at least one of the purchasers continues to occupy the residence for the minimum period of 5 years.

Where occupation ceases within the 5-year period, the HTB claimant(s) is required to notify Revenue accordingly.

**Example 27**

Sheila and Suzanne received a HTB payment. Their house was completed by the builder in August 2017 and they moved in immediately. In February 2020, both Sheila and Suzanne decide to go abroad for 3 years and rent out their house. As the 5-year minimum occupation test is not satisfied, the HTB payment will have to be repaid in part to Revenue (see [paragraph 15.2](#) below). Sheila or Suzanne must notify Revenue when they cease to occupy the house.

**Example 28**

Mary, Jane and Elizabeth received a HTB payment. Their house was completed by the builder in September 2017 and they moved in immediately. In April 2019, Mary and Jane decide to move out and purchase a new property. Elizabeth continued to live at the property for the required 5 years. In this case, there will be no clawback of HTB from any of the parties.

**15.2. Repaying HTB to Revenue**

The HTB payment must be repaid in full or in part to Revenue within three months from the date the residence ceases to be occupied by the applicant(s). The rate of clawback depends on the year in which the residence ceases to be occupied, as follows:

Year Occupation Ceases	Rate of clawback of HTB payment
1	100%
2	80%
3	60%
4	40%
5	20%

**Example 29**

Brendan received a HTB payment of €15,000. The house was completed by the builder in September 2017 and he moved in immediately. In November 2020, he ceased to occupy the house and sold it. He notified Revenue accordingly. As Brendan ceased to occupy the house in year 4, there is a clawback of the HTB as follows:

$$€15,000 \times 40\% = €6,000$$

**15.3. Temporary relocation for work during the 5-year clawback period**

Where occupation ceases temporarily within the 5-year period due to relocation for the HTB claimant's job, Revenue are prepared to accept that a clawback **does not** arise provided the following criteria are met:

- The relocation is required by the claimant's job and evidence to that effect is provided by the employer concerned,
- The claimant does not purchase another property to reside in,
- The claimant returns to live in the HTB property as his or her main residence upon completion of the work assignment,
- The period of absence from the HTB property due to the work assignment will not be regarded as relevant, for the purposes of satisfying the requirement that the house be occupied by the claimant for five years from first occupation of the house, in order to avoid a clawback of the HTB relief. e.g. if the claimant ceases to occupy the HTB property for 6 months due to relocation by their work, the period of occupation required in order to avoid a clawback, in any other event of ceasing to occupy the property, must be 5 years and 6 months from the date of first occupation of the house.

#### 15.4. Other reasons for clawback (from the claimant)

Where it transpires that a first-time buyer, for whatever reason, was not entitled to a HTB payment, there will be a clawback. In such circumstances, the HTB payment (or a part thereof) must be paid to Revenue within three months from the date on which the HTB payment is made to the claimant.

##### **Example 30**

Charlie self-built a new house. He made an application and a claim to Revenue for HTB. At the time of application, he stated that he had a loan to value ratio of 72%. Charlie received the HTB payment on 1 May 2021. It subsequently transpired that his loan to value ratio was 65%, which is under the minimum requirement level. Charlie does not therefore qualify for HTB so the HTB payment is due to be repaid to Revenue prior to 1 August 2021.

#### 15.5. Clawback in respect of Self-builds

Where a self-build house is not completed within 2 years from the date on which the HTB payment is made, there will be a clawback from the claimant. HTB must be paid back to Revenue by the claimant within 3 months from the end of the 2-year period.

##### **Example 31**

Daniel and Teresa made an application and a claim for HTB. The HTB payment was made to them on 1 June 2018 in respect of a house which they were building themselves. By 30 May 2020, the house was not completed. Daniel and Teresa must repay the HTB payment within 3 months of 30 May 2020 i.e. before 31 August 2020.

However, if within the 2-year period, Revenue have reasonable grounds to believe that the self-build residence **will not be completed** within that period (e.g. where little or no building work has started and there is nothing to suggest that building work is likely to get underway), Revenue may issue a notice to that effect to the claimant. Where such a notice is issued, the HTB payment must be repaid to Revenue by the claimant within 3 months of the notice.

### 15.6. Clawback from the contractor

There will be a clawback of HTB from the contractor where the contractor receives the HTB payment in respect of a claimant and the sale, for whatever reason, does not happen within 2 years from the date the HTB payment is made. The HTB payment must be repaid to Revenue by the contractor within 3 months from the end of the 2-year period.

However, if Revenue has reasonable grounds to believe that the sale **will not be completed** within 2 years from the date the HTB payment is made to the contractor, Revenue may issue a notice to that effect to the contractor. Where a notice is issued, the HTB payment must be repaid to Revenue by the contractor within 3 months of the notice.

#### Example 32

On 4 March 2019, first-time buyers entered into a contract with a contractor for the purchase of a qualifying residence. HTB was paid to the contractor on 5 April 2019. On 1 March 2020, the first-time buyers notify Revenue that the sale was not completed and had no prospect of being completed. Revenue issued a notice to the contractor on 2 April 2020. The contractor must repay the HTB payment to Revenue before 1 July 2020.

### 15.7. Extending the period for the clawback

Where the purchase of a residence or the construction of a self-build residence is not completed within the required 2 years, this period may, in limited circumstances, be extended. If Revenue is satisfied that the residence is substantially completed and is likely to be completed within a reasonable period of time after the end of the 2-year period, the 2-year timeframe for completion of the purchase, or of the self-build residence, is extended by such reasonable period i.e. before any clawback will apply.

#### Example 33

Harry and Sandra decided to self-build their new home. Harry will be building the house himself. HTB is paid by Revenue on 6 July 2017. By 5 July 2019, the house is still not completed as Harry had health issues and this held up its completion. The couple advises Revenue that they expect the house to be finished by December 2019 and Revenue accept this as reasonable in the circumstances. The couple therefore have an extension of the 2-year period until December 2019 before the clawback provisions will apply.

### 15.8. Clawback in the case of jointly purchased properties

Where more than one individual is party to a claim for HTB and, a liability subsequently arises in terms of a clawback, each party to the claim is jointly and severally liable.

#### Example 34

In August 2017, a HTB payment of €20,000 was paid in respect of John, Pat, and Ken. After the first year, John and Pat decide to move out and buy another house. Ken lived in the house until June 2021 and then decided to sell. As the property was not occupied for the required 5-year period, John, Pat and Ken are liable jointly to repay a portion of the HTB payment to Revenue (40% as the house ceased to be occupied in year 4).

### 15.9. Clawback in respect of properties relevant to the retrospective period

There will be a clawback of HTB from the claimant where a contract for the purchase of a qualifying residence was entered into in the retrospective period (from 19 July 2016 to 31 December 2016) but the purchase, for whatever reason, does not happen within 2 years from the date the HTB payment is made. The payment must be repaid to Revenue within 3 months from the end of the 2-year period.

#### Example 35

Eugene entered into a contract to purchase a house, from plans, from a builder on 1 September 2016. He made an application and a claim for HTB which he was paid on 1 July 2017. By 30 June 2019, the house is still not completed by the builder and the purchase has not happened. Eugene must repay the HTB payment he received before 30 September 2019.

However, if within the 2-year period, Revenue have reasonable grounds to believe that the purchase **will not be completed** within that period (e.g. where construction has not commenced and there is nothing to suggest that construction work is likely to get underway), Revenue may issue a notice to the claimant. Where a notice is issued, the HTB payment must be repaid to Revenue by the claimant within 3 months of the notice.

#### Example 36

Geraldine entered into a contract to purchase a house, from plans, from a builder on 1 October 2016. She made an application and a claim for HTB which was paid on 1 April 2017. Revenue are notified on 1 June 2017 that Geraldine decided not to go ahead with the purchase of the house. Revenue issued a notice to Geraldine on 1 July 2017. She must repay the HTB payment to Revenue before 1 October 2017.

## 16. Failure to repay the HTB payment to Revenue

### 16.1. Failure by an individual to repay a HTB payment to Revenue

Where a person is liable to repay a HTB payment to Revenue but fails to do so, a Revenue officer may make an assessment or an amended assessment on that person. Where a person disagrees with the assessment, he or she may make an appeal to the Tax Appeals Commission within the period of 30 days after the date of the notice of assessment or amended assessment.

Where a Revenue officer makes an assessment or an amended assessment on a person, the amount so charged will be deemed to be tax due and payable in respect of the tax year in which the person is liable to pay the amount involved to Revenue. The amount due carries interest, in accordance with section 1080(2), with interest applying from the date the tax becomes due and payable to Revenue.

### 16.2. Failure by a contractor to repay a HTB payment to Revenue

Where a contractor is liable to repay a HTB payment to Revenue but fails to do so, the liability will remain a charge on the freehold or leasehold estate or interest in the land on which the residence was to be constructed, but only where the contractor retains such estate or interest in the land. The charge on the estate or interest in the land is not subject to the time limits provided for in section 36 of the Statute of Limitations 1957.

## 17. Appeal

A person aggrieved by a decision by the Revenue Commissioners to refuse a claim for HTB may appeal to the Tax Appeals Commission within a period of 30 days of the notice of the decision.

The following material is either exempt from or not required to be published under the Freedom of Information Act 2014.

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