

## **SUPPORTING STATEMENT REVENUE PROCEDURE 2008-60**

### **1. CIRCUMSTANCES NECESSITATING COLLECTION OF INFORMATION**

This revenue procedure provides guidance on how a taxpayer makes the election under section 3004(i)(2)(B)(ii) of the Housing Assistance Tax Act of 2008 if the taxpayer disposed of a qualified low-income building under § 42 (or an interest therein) on or before July 30, 2008, and, under the former § 42(j)(6) of the Internal Revenue Code, either furnished a surety bond to the Secretary, or established a Treasury Direct Account (TDA) funded with Treasury securities under Rev. Proc. 99-11, 1999-1 C.B. 275. If a taxpayer makes the election, the requirement for a surety bond or TDA account is terminated provided the taxpayer reasonably expects that the building will continue to be operated as a qualified low-income building for the remaining years of compliance period under § 42(i)(1).

### **2. USE OF DATA**

This information will be used by the IRS to determine which taxpayers are electing to terminate surety bonds or TDA accounts that they have already furnished or established with the IRS under the former § 42(j)(6). The information also will be used to determine whether a taxpayer is subject to recapture tax if there is a reduction in the qualified basis of the building during the remaining years of compliance period.

### **3. USE OF IMPROVED INFORMATION TECHNOLOGY TO REDUCE BURDEN**

IRS Publications, Regulations, Notices and Letters are to be electronically enabled on an as practicable basis in accordance with the IRS Reform and Restructuring Act of 1998.

### **4. EFFORTS TO IDENTIFY DUPLICATION**

We have attempted to eliminate duplication within the agency wherever possible.

### **5. METHODS TO MINIMIZE BURDEN ON SMALL BUSINESSES OR OTHER SMALL ENTITIES**

Not applicable.

### **6. CONSEQUENCES OF LESS FREQUENT COLLECTION ON FEDERAL PROGRAMS OR POLICY ACTIVITIES**

Not applicable.

7. SPECIAL CIRCUMSTANCES REQUIRING DATA COLLECTION TO BE INCONSISTENT WITH GUIDELINES IN 5 CFR 1320.5(d)(2)

Not applicable.

8. CONSULTATION WITH INDIVIDUALS OUTSIDE OF THE AGENCY ON AVAILABILITY OF DATA, FREQUENCY OF COLLECTION, CLARITY OF INSTRUCTIONS AND FORMS, AND DATA ELEMENTS

This revenue procedure (RP 2008-60) was published in the Internal Revenue Bulletin (2008-43 I.R.B. 1005), on October 27, 2008. Periodic meetings are held between IRS personnel and representatives of the American Bar Association, the National Society of Public Accountants, the American Institute of Certified Public Accountants, and other professional groups to discuss tax law and tax forms. During these meetings, there is an opportunity for those attending to make comments regarding Revenue Procedure 2008-60.

In response to the **Federal Register notice (76 FR 72765), dated November 25, 2011**, we received no comments during the comment period regarding these revenue procedures.

9. EXPLANATION OF DECISION TO PROVIDE ANY PAYMENT OR GIFT TO RESPONDENTS

Not applicable.

10. ASSURANCE OF CONFIDENTIALITY OF RESPONSES

Generally, tax returns and tax return information are confidential as required by 26 USC 6103.

11. JUSTIFICATION OF SENSITIVE QUESTIONS

Not applicable.

12. ESTIMATED BURDEN OF INFORMATION COLLECTION

The reporting requirement is contained in section 4 of the revenue procedure. This information is required so that taxpayers may elect to terminate surety bonds or TDA accounts furnished or established under the former § 42(j)(6). The estimated annual burden per respondent is 1 hour. The estimated number of respondents is 7,810 for a total burden estimated to be 7,810 hours.

Estimates of the annualized cost to respondents for the hour burdens shown are not available at this time.

13. ESTIMATED TOTAL ANNUAL COST BURDEN TO RESPONDENTS

As suggested by OMB, **Federal Register notice (76 FR 72765), dated November 25, 2011**, requested public comments on estimates of cost burden that are not captured in the estimates of burden hours, i.e., estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information. However, we did not receive any response from taxpayers on this subject. As a result, estimates of the cost burdens are not available at this time .

14. ESTIMATED ANNUALIZED COST TO THE FEDERAL GOVERNMENT

Not applicable.

15. REASONS FOR CHANGE IN BURDEN

There were no changes made to the document that resulted in any change to the burden previously reported to OMB.

We are making this submission to renew the OMB approval.

16. PLANS FOR TABULATION, STATISTICAL ANALYSIS AND PUBLICATION

Not applicable.

17. REASONS WHY DISPLAYING THE OMB EXPIRATION DATE IS INAPPROPRIATE

We believe that displaying the OMB expiration date is inappropriate because it could cause confusion by leading taxpayers to believe that the election under the revenue procedure sunsets as of the expiration date.

18. EXCEPTIONS TO THE CERTIFICATION STATEMENT ON OMB FORM 83-I

Not applicable.

Note: The following paragraph applies to all of the collections of information in this submission:

An agency may not conduct or sponsor, and a person is not required to respond

to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.