

Legal Division Guidance 2010-09-03

(New Home Credit – Definition of Previously Occupied)

Q: Does the phrase "previously occupied" include a situation where a tenant of commercial property unit, who lived in the commercial unit without permission, later converted the commercial unit to a residential unit?

A: This is a facts and circumstances situation. However, if the commercial property was suitable, as evidenced by a certificate of occupancy or similar, to be used as a residence before the conversion to a residential unit, then the unit would be properly treated as "previously occupied."