

## **IRS Extends Deadline for Plan Amendments Under Certain Provisions of the CARES Act and the Relief Act**

On September 26, 2022, the Internal Revenue Service issued [Notice 2022-45](#), extending the deadline to amend eligible retirement plans (including nongovernmental qualified plans and 403(b) plans and individual retirement arrangements) to reflect relief provided under certain provisions of the Coronavirus Aid, Relief, and Economic Security Act and the Taxpayer Certainty and Disaster Tax Relief Act of 2020 to **December 31, 2025**.

As discussed in our [prior alert](#), the deadline to adopt certain plan amendments under the CARES Act was not extended under Notice 2022-33, which previously extended the deadline to amend nongovernmental qualified retirement plans and 403(b) plans and IRAs to reflect other plan amendments under the CARES Act (such as the waiver of required minimum distributions for 2020), as well as certain other provisions under the Setting Every Community Up for Retirement Enhancement Act of 2019 (the "SECURE Act") and the Bipartisan American Miners Act of 2019 (the "Miners Act") to December 31, 2025.

The Notice extends the deadline to adopt changes covered by Section 2202 of the CARES Act, including (i) penalty-free coronavirus-related distributions, (ii) increasing permissible plan loan amounts from \$50,000 to \$100,000, and (iii) delaying the repayment of loan amounts during 2020. In addition, the Notice extends the deadline for adopting qualified disaster distribution provisions pursuant to Section 302 of the Relief Act, which provides favorable tax treatment with respect to qualified disaster distributions.

The Notice explains that the purpose of this clarification was to ensure that all amendments required by the SECURE Act, Miners Act, CARES Act, and Relief Act can be adopted on a single date. This clarification eliminates the uncertainty created under Notice 2022-33 and provides welcome relief to plan administrators and sponsors that had been planning to bifurcate their plan amendment process to adopt certain plan amendments by the end of the calendar year while deferring the adoption date of others. However, plan sponsors should note that the deadline extensions under the Notice and Notice 2022-33 do not apply to nongovernmental 457(b) plans; therefore, tax-exempt and non-profit employers maintaining 457(b) plans should review those plans or consult with counsel to determine if any amendments are still required to be made by the end of this year.

This alert is for general informational purposes only and should not be construed as specific legal advice. If you would like more information about this alert, please contact one of the following attorneys or call your regular Patterson contact.

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