

## IRS Delays Additional Amendment Deadlines for Major Retirement Legislation

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September 29, 2022

The IRS has extended additional deadlines for required retirement plan amendments, similar to the extensions we discussed last month [found here](#). Notice 2022-45 extends the deadline for amending qualified retirement plans to comply with certain provisions of:

- The Coronavirus Aid, Relief, and Economic Security Act ("CARES Act")
- The Taxpayer Certainty and Disaster Tax Relief Act of 2020 ("Relief Act")

Notice 2022-45 specifically extends the amendment deadlines for Section 2202 of the CARES Act and Section 302 of the Relief Act. Section 2202 of the CARES Act permitted plans to: (1) provide coronavirus-related distributions, (2) increase retirement plan loan sizes, and (3) pause retirement plan loan payments. Section 302 of the Relief Act permitted qualified disaster distributions.

Notice 2022-45 extends the amendment deadlines relating to the applicable provisions in the CARES and Relief Acts for non-governmental qualified plans and 403(b) plans to December 31, 2025. Governmental plans (including qualified plans, 403(b) plans maintained by public schools, and 457(b) plans) are granted further delays depending on the underlying circumstances of the plan sponsor. These extended deadlines under Notice 2022-45 align with the previous deadline extensions under Notice 2022-33. Accordingly, most plan sponsors will be able to adopt a single amendment to comply with the SECURE Act, BAMA, the CARES Act, and the Relief Act.

Notably, tax-exempt 457(b) plans do not appear to be covered by the relief granted by either Notice 2022-33 or Notice 2022-45. Accordingly, these plans remain subject to a December 31, 2022, amendment deadline.

Please contact your Miller Canfield attorney for more information.