

TaxNewsFlash

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Notice 2022-45: Extension of time to amend certain eligible retirement plans for qualifying distributions (COVID-19)

The IRS today released an advance version of Notice 2022-45 extending the deadline for amending an eligible retirement plan (including an individual retirement arrangement (IRA) or annuity contract) to reflect the provisions of the “Coronavirus Aid, Relief, and Economic Security Act” (Pub. L. No. 116-136) (CARES Act) and the “Taxpayer Certainty and Disaster Tax Relief Act of 2020” (Pub. L. No. 116-260) (Relief Act) that provide special tax treatment with respect to a coronavirus (COVID-19)-related distribution or a qualified disaster distribution, respectively.

Under [Notice 2022-45](#) [PDF 125 KB], the extended amendment deadline applicable to a qualified retirement plan or section 403(b) plan that is not a governmental plan or an IRA is December 31, 2025.

Later deadlines apply with respect to governmental retirement plans (including governmental plans under section 457(b)).

With respect to an amendment made to reflect provisions of the CARES Act, the period during which the amendment is eligible, if applicable, for relief from the anti-cutback requirements of section 411(d)(6) or section 204(g) of the “Employee Retirement Income Security Act of 1974” (Pub. L. No. 93-406) (ERISA), is extended to the applicable extended plan amendment deadline.

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