



IRS Extends Deadline for Forms 5500 Due Before July 15, 2020

On April 9, 2020, the IRS issued **Notice 2020-23** to extend key tax deadlines for individuals and businesses in response to the ongoing COVID-19 pandemic. This new tax relief is provided under Section 7508A of the Internal Revenue Code (Code), which gives the IRS authority to postpone deadlines for taxpayers affected by federally declared disasters.

Form 5500 – Automatic Deadline Extension

IRS Notice 2020-23 extends the Form 5500 filing deadline for ERISA-covered retirement and welfare plans that have an original or extended filing deadline on or after April 1, 2020, and before July 15, 2020. These plans have until July 15, 2020, to file their Forms 5500.

This deadline extension is automatic, which means that plan sponsors do not have to call the IRS or file any extension forms, or send letters or other documents to receive this relief. Additional filing extensions must be requested by using the appropriate extension form by July 15, 2020, but the extension may not go beyond the original or regulatory extension date.

In addition, **IRS Rev. Proc. 2018-58** provides that any postponement of the Form 5500 filing due date by the IRS under Code Section 7508A will also be permitted by the Department of Labor and Pension Benefit Guaranty Corporation for similarly situated plan administrators.

IRS Notice 2020-23 does not extend the filing deadline for 2019 Form 5500 filings for calendar year plans, which are due on July 15, 2020.

Action Steps

Employers that sponsor tax-qualified retirement plans should become familiar with the CARES Act changes for their plans. Employers should work with their retirement plan advisors to implement changes for their plans. Employers should communicate these changes to employees through a summary of material modifications (SMM).

Retirement plan documents must also be amended for the changes, but the deadline for making these amendments will not be earlier than the last day of the first plan year beginning after Jan. 1, 2022 (that is, Dec. 31, 2022 for calendar year plans).