



Summary of COVID Bankruptcy Relief Provisions

March 31, 2021

This chart provides a summary of the bankruptcy provisions in the CARES Act and Consolidated Appropriations Act. To help attorneys deal with the different dates when these temporary provisions expire, the chart lists the provisions by sunset date. Each provision is accompanied by the Public Law and United States Code cites, and links for more detail in National Consumer Law Center (NCLC) articles (open to the public) and to NCLC’s Consumer Bankruptcy Law and Practice (subscribers only).

The sunset provisions in the CARES Act were extended for an additional year by the COVID-19 Bankruptcy Relief Extension Act of 2021, Pub. L. No. 117-5 (Mar. 27, 2021)

CAA = Consolidated Appropriations Act of 2021, Pub. L. No. 116-260 (Dec. 27, 2020)

CARES Act = Coronavirus Aid, Relief, and Economic Security Act, Pub. L. No. 116-136 (Mar. 27, 2020)

Provision and Additional Information	Bill Section	Bankruptcy Code Section	Sunset
COVID stimulus payments (recovery tax rebates) are not property of the estate – NCLC articles: Jan. 7, 2021 and Mar. 15, 2021 ; NCLC’s Consumer Bankruptcy Law and Practice § 2.5.6	CAA, div. FF, tit. 10, § 1001(a)	11 U.S.C. § 541(b)(11)	Dec. 27, 2021
COVID-related payments, including recovery tax rebates and child tax credit payments, are excluded from current monthly income – NCLC article: Jan. 7, 2021 ; NCLC’s Consumer Bankruptcy Law and Practice § 13.4.3.2.7	CARES Act, § 1113(b)(1)(A)	11 U.S.C. § 101(10A)(B)(ii)(V)	Mar. 27, 2022
COVID-related payments, including recovery tax rebates and child tax credit payments, are not disposable income – NCLC article: Jan. 7, 2021	CARES Act, § 1113(b)(1)(B)	11 U.S.C. § 1325(b)(2)	Mar. 27, 2022
COVID stimulus payments (recovery tax rebates) are not subject to the “operation of any bankruptcy or insolvency law” – NCLC article: Jan. 7, 2021 ; NCLC’s Consumer Bankruptcy Law and Practice § 2.5.6	CAA, div. N, § 272(d), [amends Internal Revenue Code, adding new 26 U.S.C. § 6428A]	N/A	Dec. 27, 2021
Chapter 13 debtor may seek plan modification, if the plan was confirmed before Mar. 27, 2021 and the debtor is experiencing a COVID-related hardship, that would extend plan payments for up to seven years after initial payment on original plan was due – NCLC article: Aug. 13, 2020 ; NCLC’s Consumer Bankruptcy Law and Practice § 8.7.4 and 12.6.3	CARES Act, § 1113(b)(1)(C)	11 U.S.C. § 1329(d)(1)	Mar. 27, 2022

Provision and Additional Information	Bill Section	Bankruptcy Code Section	Sunset
<p>Chapter 13 debtor may seek an early discharge if the debtor has missed three or fewer mortgage payments due to a COVID-related hardship or has entered into a loan forbearance or modification –</p> <p>NCLC article: Jan. 7, 2021; NCLC’s Consumer Bankruptcy Law and Practice § 8.8.1 and 15.1</p>	CAA, div. FF, tit. 10, § 1001(b)	11 U.S.C. § 1328(i)(1)	Dec. 27, 2021
<p>Debtor who is in a pending bankruptcy or has received a discharge cannot be denied a mortgage forbearance, protection under the foreclosure and eviction moratorium, and related relief provided under the CARES Act –</p> <p>NCLC article: Jan. 7, 2021; NCLC’s Consumer Bankruptcy Law and Practice § 11.6.1.5.a</p>	CAA, div. FF, tit. 10, § 1001(c)	11 U.S.C. § 525(d)	Dec. 27, 2021
<p>Mortgage servicer may file a “CARES forbearance claim,” which is a supplemental proof of claim for the amount forborne under a loan forbearance granted to a debtor under the CARES Act –</p> <p>NCLC article: Jan. 7, 2021; NCLC’s Consumer Bankruptcy Law and Practice § 11.6.1.5.a</p>	CAA in div. FF, tit. 10, § 1001(d)	11 U.S.C. § 501(f) and § 502(b)(9) (claim must be filed no later than 120 days after expiration of forbearance)	Dec. 27, 2021
<p>Debtor and any party, including a mortgage creditor, may move to modify the debtor’s plan to provide for a CARES forbearance claim –</p> <p>NCLC article: Jan. 7, 2021; NCLC’s Consumer Bankruptcy Law and Practice § 11.6.1.5.a</p>	CAA div. FF, tit. 10, § 1001(e)	11 U.S.C. § 1329(e)	Dec. 27, 2021
<p>Debtor may have utility service maintained or restored after filing bankruptcy without paying a deposit, as long as the debtor pays for postpetition service –</p> <p>NCLC article: Jan. 7, 2021; NCLC’s Consumer Bankruptcy Law and Practice § 9.8.2</p>	CAA div. FF, tit. 10, §1001(h)	11 U.S.C. § 366(d)	Dec. 27, 2021