

# Employee Benefit Plan Deadline Relief Issued Due to Recent Natural Disasters

On Nov. 8, 2024, federal agencies issued [deadline relief](#) to ensure that employee benefit plans, participants, beneficiaries, qualified beneficiaries and claimants in disaster areas are not further adversely affected by Hurricane Helene, Tropical Storm Helene and Hurricane Milton.

## Relief Period

The deadlines are extended by disregarding a “relief period” that starts on varying dates in September or October 2024 (depending on location) and ends **May 1, 2025**.

The relief applies to designated disaster areas in **Florida, Georgia, North Carolina, South Carolina, Tennessee and Virginia**.

Federal agencies will continue to monitor the effects of Hurricane Helene, Tropical Storm Helene and Hurricane Milton and may provide additional relief as warranted.

## Extension of Participant Time Frames

The relief provides participants in ERISA-covered plans with additional time to comply with certain deadlines affecting COBRA continuation coverage, special enrollment periods and claims for benefits. Specifically, the relief extends:

- **HIPAA time frames:** The 30-day period (or 60-day period, if applicable) to request special enrollment;
- **COBRA time frames:** The 60-day period for qualified beneficiaries to elect COBRA coverage, the date for making COBRA premium payments, and the date for individuals to notify the plan of a qualifying event or disability determination;
- **Claims procedures time frames:** The date within which individuals may file a benefit claim under the plan’s claims procedure, and the date within which claimants may file an appeal of an adverse benefit determination under the plan’s claims procedure; and
- **External review process time frames:** The date within which claimants may file a request for an external review after receipt of an adverse benefit determination or final internal adverse benefit determination, and the date within which a claimant may file information to perfect a request for external review upon a finding that the request was not complete.

Relief applies to individuals who are **directly affected** by Hurricane Helene, Tropical Storm Helene, or Hurricane Milton. This means an individual resided, lived or worked in one of the designated disaster areas at the time of the hurricane or tropical storm, or their coverage was under an employee benefit plan that was directly affected.

## Deadline Extension for Plan Administrators

The relief also extends the time frames for group health plan sponsors and administrators that were directly affected (i.e., their principal place of business was in one of the designated disaster areas) to provide a COBRA election notice. While no other relief is provided, the most recent guidance supplements [Notice 2024-01](#), which primarily provides relief to impacted employers and plan fiduciaries with regard to the processing of plan loans and distributions, forwarding contributions and loan repayments into the plan, furnishing required notices and disclosures to participants, and filing returns with the government.

## Application to Non-federal Governmental Plans

While the extension of time frames included in the guidance is not mandatory for non-federal governmental plans, plan sponsors of non-federal governmental plans and health insurance issuers offering group or individual health insurance coverage subject to the Public Health Service Act are [encouraged](#) by the Centers for Medicare & Medicaid Services (CMS) to provide similar relief to participants, beneficiaries, enrollees, qualified beneficiaries and claimants affected by these natural disasters.

In addition, consistent with Notice 2024-01, CMS will not consider these plans or issuers in designated disaster areas to be in violation of the law for a failure to timely furnish a notice, disclosure or document that must otherwise be furnished during the relief

period, if the plan acts in **good faith** and furnishes the notice, disclosure or document as soon as administratively practicable under the circumstances. Under this standard, good faith acts include use of electronic alternative means of communicating with participants, beneficiaries, and enrollees who the plan or issuer reasonably believes have effective access to electronic means of communication, including email, text messages and continuous access websites.

## Additional Resources

The Employee Benefits Security Administration provides additional resources on its [Disaster Relief Information for Employers and Advisors webpage](#).