

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF FLORIDA  
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In re:

SMALL BUSINESS  
REORGANIZATION ACT

ADMINISTRATIVE ORDER  
NO. 20-001

\_\_\_\_\_/

**INTERIM ORDER ADOPTING RULES FOR SMALL BUSINESS  
REORGANIZATION ACT OF 2019**

On August 23, 2019, the Small Business Reorganization Act of 2019 (the “SBRA”) became law. The SBRA amends title 11 of the United States Code (the “Bankruptcy Code”) to create a new subchapter V to Chapter 11 provisions for reorganization of small business debtors. SBRA goes into effect on February 19, 2020.

The SBRA makes substantive and procedural changes to the Bankruptcy Code, thus requiring changes to the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”). The February 19, 2020 effective date of the SBRA occurs long before the Bankruptcy Rules can be amended under the three-year process required by the Rules Enabling Act. Accordingly, the Advisory Committee on Bankruptcy Rules (the “Advisory Committee”) drafted, published for comment, and subsequently approved interim bankruptcy rules (the “Interim Rules”)

for distribution to the courts. The Committee on Rules of Practice and Procedure approved the Interim Rules, and the Judicial Conference authorized distribution of the Interim Rules to courts for adoption locally to facilitate uniform implementation of the changes mandated by the SBRA. For the reasons stated, it is

**ORDERED:**

1. Pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure, and Rule 9029 of the Federal Rules of Bankruptcy Procedure, the attached Interim Rules are adopted in their entirety without change to be effective February 19, 2020. For cases and proceedings not governed by the SBRA, the Federal Rules of Bankruptcy Procedure and the Local Rules of this Court, other than the Interim Rules, shall apply.
2. For the sake of clarity, the attachment is a "redline" version highlighting the amendments. The Interim Rules shall remain in effect until further order of the court.

**DONE and ORDERED** on January 27, 2020.



**KAREN K. SPECIE**  
Chief United States Bankruptcy Judge

**INTERIM AMENDMENTS TO THE FEDERAL  
RULES OF BANKRUPTCY PROCEDURE<sup>1</sup>**

**Rule 1007. Lists, Schedules, Statements, and Other**

**Documents; Time Limits**

\* \* \* \* \*

**(b) SCHEDULES, STATEMENTS, AND OTHER  
DOCUMENTS REQUIRED.**

\* \* \* \* \*

(5) An individual debtor in a chapter 11 case  
(unless under subchapter V) shall file a statement of  
current monthly income, prepared as prescribed by  
the appropriate Official Form.

\* \* \* \* \*

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<sup>1</sup> These interim bankruptcy rules (the Interim Rules) have been prepared by the Advisory Committee on Bankruptcy Rules and approved by the Judicial Conference of the United States to be adopted as local rules by the Bankruptcy Courts to implement the procedural and substantive changes to the Bankruptcy Code made by the Small Business Reorganization Act of 2019. The Interim Rules will be withdrawn after similar amendments can be made to the Rules of Bankruptcy Procedure under the normal Rules Enabling Act process. New material is underlined in red; matter to be omitted is lined through.

12 (h) INTERESTS ACQUIRED OR ARISING  
 13 AFTER PETITION. If, as provided by § 541(a)(5) of the  
 14 Code, the debtor acquires or becomes entitled to acquire any  
 15 interest in property, the debtor shall within 14 days after the  
 16 information comes to the debtor's knowledge or within such  
 17 further time the court may allow, file a supplemental  
 18 schedule in the chapter 7 liquidation case, chapter 11  
 19 reorganization case, chapter 12 family farmer's debt  
 20 adjustment case, or chapter 13 individual debt adjustment  
 21 case. If any of the property required to be reported under  
 22 this subdivision is claimed by the debtor as exempt, the  
 23 debtor shall claim the exemptions in the supplemental  
 24 schedule. The This duty to file a supplemental schedule in  
 25 accordance with this subdivision continues even after the  
 26 case is closed, except for property acquired after an order is  
 27 entered: notwithstanding the closing of the case, except that  
 28 the schedule need not be filed in a chapter 11, chapter 12, or

29 ~~chapter 13 case with respect to property acquired after entry~~  
30 ~~of the order~~

31 (1) confirming a chapter 11 plan (other than one  
32 confirmed under § 1191(b)); or  
33 (2) discharging the debtor in a chapter 12 case, or a  
34 chapter 13 case, or a case under subchapter V of  
35 chapter 11 in which the plan is confirmed under  
36 § 1191(b).

37 \* \* \* \* \*

#### Committee Note

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. As amended, subdivision (b)(5) of the rule includes an exception for subchapter V cases. Because Code § 1129(a)(15) is inapplicable to such cases, there is no need for an individual debtor in a subchapter V case to file a statement of current monthly income.

Subdivision (h) is amended to provide that the duty to file a supplemental schedule under the rule terminates upon confirmation of the plan in a subchapter V case, unless the plan is confirmed under § 1191(b), in which case it terminates upon discharge as provided in § 1192.

1 **Rule 1020. ~~Small Business~~ Chapter 11 Reorganization**

2 **Case for Small Business Debtors**

3 (a) SMALL BUSINESS DEBTOR

4 DESIGNATION. In a voluntary chapter 11 case, the debtor

5 shall state in the petition whether the debtor is a small

6 business debtor and, if so, whether the debtor elects to have

7 subchapter V of chapter 11 apply. In an involuntary chapter

8 11 case, the debtor shall file within 14 days after entry of the

9 order for relief a statement as to whether the debtor is a small

10 business debtor and, if so, whether the debtor elects to have

11 subchapter V of chapter 11 apply. ~~Except as provided in~~

12 ~~subdivision (c), the~~ The status of the case as a small business

13 case or a case under subchapter V of chapter 11 shall be in

14 accordance with the debtor's statement under this

15 subdivision, unless and until the court enters an order finding

16 that the debtor's statement is incorrect.

17 (b) OBJECTING TO DESIGNATION. ~~Except as~~

18 ~~provided in subdivision (c), the~~ The United States trustee or

19 a party in interest may file an objection to the debtor's  
20 statement under subdivision (a) no later than 30 days after  
21 the conclusion of the meeting of creditors held under  
22 § 341(a) of the Code, or within 30 days after any amendment  
23 to the statement, whichever is later.

24 ~~(e) APPOINTMENT OF COMMITTEE OF~~  
25 ~~UNSECURED CREDITORS. If a committee of unsecured~~  
26 ~~creditors has been appointed under § 1102(a)(1), the case~~  
27 ~~shall proceed as a small business case only if, and from the~~  
28 ~~time when, the court enters an order determining that the~~  
29 ~~committee has not been sufficiently active and~~  
30 ~~representative to provide effective oversight of the debtor~~  
31 ~~and that the debtor satisfies all the other requirements for~~  
32 ~~being a small business. A request for a determination under~~  
33 ~~this subdivision may be filed by the United States trustee or~~  
34 ~~a party in interest only within a reasonable time after the~~  
35 ~~failure of the committee to be sufficiently active and~~  
36 ~~representative. The debtor may file a request for a~~



37 ~~determination at any time as to whether the committee has~~  
 38 ~~been sufficiently active and representative.~~

39 (d) PROCEDURE FOR OBJECTION OR  
 40 DETERMINATION. Any objection or request for a  
 41 determination under this rule shall be governed by Rule 9014  
 42 and served on: the debtor; the debtor's attorney; the United  
 43 States trustee; the trustee; the creditors included on the list  
 44 filed under Rule 1007(d) or, if any a committee has been  
 45 appointed under § 1102(a)(3), the committee or its  
 46 authorized agent, ~~or, if no committee of unsecured creditors~~  
 47 ~~has been appointed under § 1102, the creditors included on~~  
 48 ~~the list filed under Rule 1007(d); and any other entity as the~~  
 49 court directs.

#### Committee Note

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019 ("SBRA"), Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. The title and subdivision (a) of the rule are amended to include that option and to require a small business debtor to state in its voluntary petition, or in a statement filed within 14 days after the order for relief is



entered in an involuntary case, whether it elects to proceed under subchapter V. The rule does not address whether the court, on a case-by-case basis, may allow a debtor to make an election to proceed under subchapter V after the times specified in subdivision (a) or, if it can, under what conditions.

Former subdivision (c) of the rule is deleted because the existence or level of activity of a creditors' committee is no longer a criterion for small-business-debtor status. The SBRA eliminated that portion of the definition of "small business debtor" in § 101(51D) of the Code.

Former subdivision (d) is redesignated as subdivision (c), and the list of entities to be served is revised to reflect that in most small business and subchapter V cases there will not be a committee of creditors.

1 **Rule 2009. Trustees for Estates When Joint**  
2 **Administration Ordered**

3 (a) ELECTION OF SINGLE TRUSTEE FOR  
4 ESTATES BEING JOINTLY ADMINISTERED. If the  
5 court orders a joint administration of two or more estates  
6 under Rule 1015(b), creditors may elect a single trustee for  
7 the estates being jointly administered, unless the case is  
8 under subchapter V of chapter 7 or subchapter V of chapter  
9 11 of the Code.

10 (b) RIGHT OF CREDITORS TO ELECT  
11 SEPARATE TRUSTEE. Notwithstanding entry of an order  
12 for joint administration under Rule 1015(b), the creditors of  
13 any debtor may elect a separate trustee for the estate of the  
14 debtor as provided in § 702 of the Code, unless the case is  
15 under subchapter V of chapter 7 or subchapter V of chapter  
16 11.

17 (c) APPOINTMENT OF TRUSTEES FOR  
18 ESTATES BEING JOINTLY ADMINISTERED.

\* \* \* \* \*

(2) *Chapter 11 Reorganization Cases.* If the appointment of a trustee is ordered or is required by the Code, the United States trustee may appoint one or more trustees for estates being jointly administered in chapter 11 cases.

\* \* \* \* \*

#### **Committee Note**

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. In a case under that subchapter, § 1183 of the Code requires the United States trustee to appoint a trustee, so there will be no election. Accordingly, subdivisions (a) and (b) of the rule are amended to except cases under subchapter V from their coverage. Subdivision (c)(2), which addresses the appointment of trustees in jointly administered chapter 11 cases, is amended to make it applicable to cases under subchapter V.

1 **Rule 2012. Substitution of Trustee or Successor**

2 **Trustee; Accounting**

3 (a) TRUSTEE. If a trustee is appointed in a chapter  
4 11 case (other than under subchapter V), or the debtor is  
5 removed as debtor in possession in a chapter 12 case or in a  
6 case under subchapter V of chapter 11, the trustee is  
7 substituted automatically for the debtor in possession as a  
8 party in any pending action, proceeding, or matter.

9 \* \* \* \* \*

**Committee Note**

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Subdivision (a) of the rule is amended to include any case under that subchapter in which the debtor is removed as debtor in possession under § 1185 of the Code.

1     **Rule 2015. Duty to Keep Records, Make Reports, and**  
2     **Give Notice of Case or Change of Status**

3           (a) TRUSTEE OR DEBTOR IN POSSESSION. A  
4     trustee or debtor in possession shall:

5                   (1) in a chapter 7 liquidation case and, if the  
6                   court directs, in a chapter 11 reorganization case  
7                   (other than under subchapter V), file and transmit to  
8                   the United States trustee a complete inventory of the  
9                   property of the debtor within 30 days after qualifying  
10                  as a trustee or debtor in possession, unless such an  
11                  inventory has already been filed;

12                  (2) keep a record of receipts and the  
13                  disposition of money and property received;

14                  (3) file the reports and summaries required by  
15                  § 704(a)(8) of the Code, which shall include a  
16                  statement, if payments are made to employees, of the  
17                  amounts of deductions for all taxes required to be

18 withheld or paid for and in behalf of employees and  
19 the place where these amounts are deposited;

20 (4) as soon as possible after the  
21 commencement of the case, give notice of the case to  
22 every entity known to be holding money or property  
23 subject to withdrawal or order of the debtor,  
24 including every bank, savings or building and loan  
25 association, public utility company, and landlord  
26 with whom the debtor has a deposit, and to every  
27 insurance company which has issued a policy having  
28 a cash surrender value payable to the debtor, except  
29 that notice need not be given to any entity who has  
30 knowledge or has previously been notified of the  
31 case;

32 (5) in a chapter 11 reorganization case (other  
33 than under subchapter V), on or before the last day  
34 of the month after each calendar quarter during  
35 which there is a duty to pay fees under 28 U.S.C.

36           § 1930(a)(6), file and transmit to the United States  
37           trustee a statement of any disbursements made  
38           during that quarter and of any fees payable under 28  
39           U.S.C. § 1930(a)(6) for that quarter; and  
40                   (6) in a chapter 11 small business case, unless  
41           the court, for cause, sets another reporting interval,  
42           file and transmit to the United States trustee for each  
43           calendar month after the order for relief, on the  
44           appropriate Official Form, the report required by  
45           § 308. If the order for relief is within the first 15 days  
46           of a calendar month, a report shall be filed for the  
47           portion of the month that follows the order for relief.  
48           If the order for relief is after the 15th day of a  
49           calendar month, the period for the remainder of the  
50           month shall be included in the report for the next  
51           calendar month. Each report shall be filed no later  
52           than 21 days after the last day of the calendar month  
53           following the month covered by the report. The



54 obligation to file reports under this subparagraph  
55 terminates on the effective date of the plan, or  
56 conversion or dismissal of the case.

57 (b) TRUSTEE, DEBTOR IN POSSESSION, AND  
58 DEBTOR IN A CASE UNDER SUBCHAPTER V OF  
59 CHAPTER 11. In a case under subchapter V of chapter 11,  
60 the debtor in possession shall perform the duties prescribed  
61 in (a)(2)–(4) and, if the court directs, shall file and transmit  
62 to the United States trustee a complete inventory of the  
63 debtor’s property within the time fixed by the court. If the  
64 debtor is removed as debtor in possession, the trustee shall  
65 perform the duties of the debtor in possession prescribed in  
66 this subdivision (b). The debtor shall perform the duties  
67 prescribed in (a)(6).

68 (~~b~~c) CHAPTER 12 TRUSTEE AND DEBTOR IN  
69 POSSESSION. In a chapter 12 family farmer’s debt  
70 adjustment case, the debtor in possession shall perform the  
71 duties prescribed in clauses (2)–(4) of subdivision (a) of this

72 rule and, if the court directs, shall file and transmit to the  
73 United States trustee a complete inventory of the property of  
74 the debtor within the time fixed by the court. If the debtor is  
75 removed as debtor in possession, the trustee shall perform  
76 the duties of the debtor in possession prescribed in this  
77 ~~paragraph~~ subdivision (c).

78 (ed) CHAPTER 13 TRUSTEE AND  
79 DEBTOR.

80 (1) *Business Cases*. In a chapter 13  
81 individual's debt adjustment case, when the debtor is  
82 engaged in business, the debtor shall perform the  
83 duties prescribed by clauses (2)–(4) of subdivision  
84 (a) of this rule and, if the court directs, shall file and  
85 transmit to the United States trustee a complete  
86 inventory of the property of the debtor within the  
87 time fixed by the court.

88 (2) *Nonbusiness Cases*. In a chapter 13  
89 individual's debt adjustment case, when the debtor is

90 not engaged in business, the trustee shall perform the  
91 duties prescribed by clause (2) of subdivision (a) of  
92 this rule.

93 (~~de~~) FOREIGN REPRESENTATIVE. In a case in  
94 which the court has granted recognition of a foreign  
95 proceeding under chapter 15, the foreign representative shall  
96 file any notice required under § 1518 of the Code within 14  
97 days after the date when the representative becomes aware  
98 of the subsequent information.

99 (~~ef~~) TRANSMISSION OF REPORTS. In a chapter  
100 11 case the court may direct that copies or summaries of  
101 annual reports and copies or summaries of other reports shall  
102 be mailed to the creditors, equity security holders, and  
103 indenture trustees. The court may also direct the publication  
104 of summaries of any such reports. A copy of every report or  
105 summary mailed or published pursuant to this subdivision  
106 shall be transmitted to the United States trustee.

**Committee Note**

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Subdivision (b) is amended to prescribe the duties of a debtor in possession, trustee, and debtor in a subchapter V case. Those cases are excepted from subdivision (a) because, unlike other chapter 11 cases, there will generally be both a trustee and a debtor in possession. Subdivision (b) also reflects that § 1187 of the Code prescribes reporting duties for the debtor in a subchapter V case.

Former subdivisions (b), (c), (d), and (e) are redesignated (c), (d), (e), and (f) respectively.

1 Rule 3010. Small Dividends and Payments in Cases  
2 Under Chapter 7 Liquidation, Subchapter V of Chapter  
3 11, Chapter 12 Family Farmer's Debt Adjustment, and  
4 Chapter 13 Individual's Debt Adjustment Cases

5 \* \* \* \* \*

6 (b) CASES UNDER SUBCHAPTER V OF  
7 CHAPTER 11, CHAPTER 12, AND CHAPTER 13  
8 CASES. In a case under subchapter V of chapter 11, chapter  
9 12, or chapter 13, case no payment in an amount less than  
10 \$15 shall be distributed by the trustee to any creditor unless  
11 authorized by local rule or order of the court. Funds not  
12 distributed because of this subdivision shall accumulate and  
13 shall be paid whenever the accumulation aggregates \$15.  
14 Any funds remaining shall be distributed with the final  
15 payment.

#### Committee Note

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter

V of chapter 11. To avoid the undue cost and inconvenience of distributing small payments, the title and subdivision (b) are amended to include subchapter V cases.

- 1 **Rule 3011. Unclaimed Funds in Cases Under Chapter 7**  
2 **~~Liquidation,~~ Subchapter V of Chapter 11, Chapter 12**  
3 **~~Family Farmer's Debt Adjustment,~~ and Chapter 13**  
4 **~~Individual's Debt Adjustment Cases~~**

5           The trustee shall file a list of all known names and  
6 addresses of the entities and the amounts which they are  
7 entitled to be paid from remaining property of the estate that  
8 is paid into court pursuant to § 347(a) of the Code.

**Committee Note**

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. The rule is amended to include such cases because § 347(a) of the Code applies to them.



1   **Rule 3014. Election Under § 1111(b) by Secured**  
2   **Creditor in Chapter 9 Municipality or Chapter 11**  
3   **Reorganization Case**

4           An election of application of § 1111(b)(2) of the  
5   Code by a class of secured creditors in a chapter 9 or 11 case  
6   may be made at any time prior to the conclusion of the  
7   hearing on the disclosure statement or within such later time  
8   as the court may fix. If the disclosure statement is  
9   conditionally approved pursuant to Rule 3017.1, and a final  
10   hearing on the disclosure statement is not held, the election  
11   of application of § 1111(b)(2) may be made not later than the  
12   date fixed pursuant to Rule 3017.1(a)(2) or another date the  
13   court may fix. In a case under subchapter V of chapter 11 in  
14   which § 1125 of the Code does not apply, the election may  
15   be made not later than a date the court may fix. The election  
16   shall be in writing and signed unless made at the hearing on  
17   the disclosure statement. The election, if made by the

- 18 majorities required by § 1111(b)(1)(A)(i), shall be binding  
19 on all members of the class with respect to the plan.

**Committee Note**

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Because there generally will not be a disclosure statement in a subchapter V case, *see* § 1181(b) of the Code, the rule is amended to provide a deadline for making an election under § 1111(b) in such cases that is set by the court.

1   **Rule 3016. Filing of Plan and Disclosure Statement in a**  
2   **Chapter 9 Municipality or Chapter 11 Reorganization**  
3   **Case**

4           (a) IDENTIFICATION OF PLAN. Every proposed  
5   plan and any modification thereof shall be dated and, in a  
6   chapter 11 case, identified with the name of the entity or  
7   entities submitting or filing it.

8           (b) DISCLOSURE STATEMENT. In a chapter 9 or  
9   11 case, a disclosure statement, if required under § 1125 of  
10   the Code, or evidence showing compliance with § 1126(b)  
11   shall be filed with the plan or within a time fixed by the  
12   court, unless the plan is intended to provide adequate  
13   information under § 1125(f)(1). If the plan is intended to  
14   provide adequate information under § 1125(f)(1), it shall be  
15   so designated, and Rule 3017.1 shall apply as if the plan is a  
16   disclosure statement.

17                   \* \* \* \* \*

18 (d) STANDARD FORM SMALL BUSINESS  
19 DISCLOSURE STATEMENT AND PLAN. In a small  
20 business case or a case under subchapter V of chapter 11, the  
21 court may approve a disclosure statement and may confirm  
22 a plan that conform substantially to the appropriate Official  
23 Forms or other standard forms approved by the court.

**Committee Note**

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Subdivision (b) of the rule is amended to reflect that under § 1181(b) of the Code, § 1125 does not apply to subchapter V cases (and thus a disclosure statement is not required) unless the court for cause orders otherwise. Subdivision (d) is amended to include subchapter V cases as ones in which Official Forms are available for a reorganization plan and, when required, a disclosure statement.

1 **Rule 3017.1. Court Consideration of Disclosure**  
 2 **Statement in a Small Business Case or in a Case Under**  
 3 **Subchapter V of Chapter 11**

4 (a) CONDITIONAL APPROVAL OF  
 5 DISCLOSURE STATEMENT. In a small business case or  
 6 in a case under subchapter V of chapter 11 in which the court  
 7 has ordered that § 1125 applies, the court may, on  
 8 application of the plan proponent or on its own initiative,  
 9 conditionally approve a disclosure statement filed in  
 10 accordance with Rule 3016. On or before conditional  
 11 approval of the disclosure statement, the court shall:

- 12 (1) fix a time within which the holders of claims and  
 13 interests may accept or reject the plan;  
 14 (2) fix a time for filing objections to the disclosure  
 15 statement;  
 16 (3) fix a date for the hearing on final approval of the  
 17 disclosure statement to be held if a timely objection  
 18 is filed; and

19 (4) fix a date for the hearing on confirmation.

20 \* \* \* \* \*

**Committee Note**

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. The title and subdivision (a) of the rule are amended to cover such cases when the court orders that § 1125 of the Code applies.

1 **Rule 3017.2. Fixing of Dates by the Court in Subchapter**

2 **V Cases in Which There Is No Disclosure Statement**

3 In a case under subchapter V of chapter 11 in which

4 § 1125 does not apply, the court shall:

5 (a) fix a time within which the holders of claims

6 and interests may accept or reject the plan;

7 (b) fix a date on which an equity security holder

8 or creditor whose claim is based on a security must

9 be the holder of record of the security in order to be

10 eligible to accept or reject the plan;

11 (c) fix a date for the hearing on confirmation; and

12 (d) fix a date for transmission of the plan, notice

13 of the time within which the holders of claims and

14 interests may accept or reject the plan, and notice of

15 the date for the hearing on confirmation.

**Committee Note**

The rule is added in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter



V of chapter 11. Because there generally will not be a disclosure statement in a subchapter V case, *see* § 1181(b) of the Code, the rule is added to authorize the court in such a case to act at a time other than when a disclosure statement is approved to set certain times and dates.

1 **Rule 3018. Acceptance or Rejection of Plan in a Chapter**  
 2 **9 Municipality or a Chapter 11 Reorganization Case**

3 (a) ENTITIES ENTITLED TO ACCEPT OR  
 4 REJECT PLAN; TIME FOR ACCEPTANCE OR  
 5 REJECTION. A plan may be accepted or rejected in  
 6 accordance with § 1126 of the Code within the time fixed by  
 7 the court pursuant to Rule 3017, 3017.1, or 3017.2. Subject  
 8 to subdivision (b) of this rule, an equity security holder or  
 9 creditor whose claim is based on a security of record shall  
 10 not be entitled to accept or reject a plan unless the equity  
 11 security holder or creditor is the holder of record of the  
 12 security on the date the order approving the disclosure  
 13 statement is entered or on another date fixed by the court  
 14 under Rule 3017.2, or fixed for cause; after notice and a  
 15 hearing. For cause shown, the court after notice and hearing  
 16 may permit a creditor or equity security holder to change or  
 17 withdraw an acceptance or rejection. Notwithstanding  
 18 objection to a claim or interest, the court after notice and

19 hearing may temporarily allow the claim or interest in an  
20 amount which the court deems proper for the purpose of  
21 accepting or rejecting a plan.

22 \* \* \* \* \*

**Committee Note**

Subdivision (a) of the rule is amended to take account of the court's authority to set times under Rules 3017.1 and 3017.2 in small business cases and cases under subchapter V of chapter 11.

1   **Rule 3019. Modification of Accepted Plan in a Chapter**  
2   **9 Municipality or a Chapter 11 Reorganization Case**

3                               \* \* \* \* \*

4               (b)   MODIFICATION   OF   PLAN   AFTER  
5   CONFIRMATION IN INDIVIDUAL DEBTOR CASE. If  
6   the debtor is an individual, a request to modify the plan under  
7   § 1127(e) of the Code is governed by Rule 9014. The request  
8   shall identify the proponent and shall be filed together with  
9   the proposed modification. The clerk, or some other person  
10   as the court may direct, shall give the debtor, the trustee, and  
11   all creditors not less than 21 days' notice by mail of the time  
12   fixed to file objections and, if an objection is filed, the  
13   hearing to consider the proposed modification, unless the  
14   court orders otherwise with respect to creditors who are not  
15   affected by the proposed modification. A copy of the notice  
16   shall be transmitted to the United States trustee, together  
17   with a copy of the proposed modification. Any objection to  
18   the proposed modification shall be filed and served on the

19 debtor, the proponent of the modification, the trustee, and  
 20 any other entity designated by the court, and shall be  
 21 transmitted to the United States trustee.

22 (c) MODIFICATION OF PLAN AFTER  
 23 CONFIRMATION IN A SUBCHAPTER V CASE. In a  
 24 case under subchapter V of chapter 11, a request to modify  
 25 the plan under § 1193(b) or (c) of the Code is governed by  
 26 Rule 9014, and the provisions of this Rule 3019(b) apply.

#### **Committee Note**

The rule is amended in response to the enactment of the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, 133 Stat. 1079. That law gives a small business debtor the option of electing to be a debtor under subchapter V of chapter 11. Subdivision (c) is added to the rule to govern requests to modify a plan after confirmation in such cases under § 1193(b) or (c) of the Code.