

UNITED STATES BANKRUPTCY COURT
DISTRICT OF CONNECTICUT
HARTFORD DIVISION

IN RE: : Case No. 16-21614 (JJT)
: :
WINSTON H. WALLACE, : Chapter 13
DEBTOR. :
: Re: ECF No. 27

ORDER GRANTING MOTION TO DEEM CLAIM TIMELY FILED

Before the Court is Connecticut Housing Finance Authority's ("CHFA") Amended Motion to Deem Claim Timely Filed (ECF No. 27, the "Motion"). For the reasons set forth below, the Motion is GRANTED.

I. BACKGROUND

Winston H. Wallace, (the "Debtor"), filed the instant Chapter 13 petition on October 3, 2016. CHFA holds a first mortgage on the Debtor's real property, located at 98 East Burnham Street, Bloomfield, Connecticut. The first date scheduled for the meeting of creditors was November 1, 2016. Pursuant to Federal Rule of Bankruptcy Procedure¹ 3002(c), timely proofs of claim were to be filed by January 30, 2017—that is, not later than 90 days after the first date set for the meeting of creditors. On February 23, 2017, CHFA filed a proof of claim in connection with the mortgage in the amount of \$101,930.14. On March 1, 2017, CHFA filed the instant Motion for an order deeming its claim timely filed.

II. ANALYSIS

Citing Rule 9006(b)(1), CHFA argues that the Court should enlarge the January 30, 2017 bar date after its expiration because CHFA's failure to timely file its proof of claim was the

¹ (hereinafter, "Rule")

result of “excusable neglect.” By its express terms, however, Rule 9006(b)(1) governs, “[e]xcept as provided in paragraphs (2) and (3) of this subdivision” *See* Fed. R. Bankr. P. 9006(b)(1). As such, any enlargement of the bar date set in Rule 3002(c) is governed by Rule 9006(b)(3), not the “excusable neglect” standard applicable to Rule 9006(b)(1). *In re Stone*, 473 B.R. 465, 468 (Bankr. M.D. Fla. 2012).

“Rule 9006(b)(3) specifically prohibits the court from extending the bar date set in Rule 3002(c) for any reason other than those enumerated therein.” *In re Bourgoïn*, 306 B.R. 442, 444 (Bankr. D. Conn. 2004); *accord In re Daniels*, 466 B.R. 214, 218 (Bankr. S.D.N.Y. 2011) (“The court literally has no authority to permit the claim to be filed late.”); *In re Brooks*, 414 B.R. 65, 72 (Bankr. E.D. Pa. 2009) (“[C]ase and statutory law are in agreement that a bankruptcy court may not extend the bar date in a chapter 13 case.”); *In re McLarry*, 273 B.R. 753, 754 (Bankr. S.D. Tex. 2002) (“[T]he Court has no authority to extend the deadline for filing proofs of claim in a chapter 13 case.”).

Though none of the exceptions for extending the bar date enumerated by Rule 3002(c) is alleged in the Motion, the Court finds, based upon judicial notice of its commonly known status and reference to Conn. Gen. Stat. Ann. § 8-244 (creating CHFA), that CHFA is a “governmental unit”, and therefore the January 30, 2017 bar date issued by this Court pursuant to Rule 3002(c) did not apply so as to render CHFA’s claim untimely. Subsection 502(b)(9) of the Bankruptcy Code provides that “a claim of a governmental unit shall be timely filed if it is filed before 180 days after the date of the order for relief or such later time as the Federal Rules of Bankruptcy Procedure may provide[.]” 11. U.S.C. § 502(b)(9). Accordingly, Rule 3002(c)(1) states that “[a] proof of claim filed by a governmental unit . . . is timely filed if it is filed not later than 180 days after the date of the order for relief.” Fed. R. Bankr. P. 3002(c)(1).

The Bankruptcy Code defines “governmental unit”, in pertinent part, as an “instrumentality of . . . a State, a Commonwealth, a District, a Territory, a municipality, or a foreign state; or other foreign or domestic government.” 11 U.S.C. § 101(27). CHFA falls within that definition, as “a public instrumentality and a political subdivision of the State of Connecticut established to alleviate the housing shortage for low and moderate-income families, and persons in certain urban areas, by providing mortgage financing at below prevailing market rates.” *Matter of Rose*, 23 B.R. 662, 664 (Bankr. D. Conn. 1982); *see also* Conn. Gen. Stat. Ann. § 8-244 (creating CHFA as “a public instrumentality and political subdivision of” the State of Connecticut).

As a “governmental unit”, CHFA had until April 1, 2017—180 days after the date of the order for relief—to file a timely proof of claim. *See* 11 U.S.C. § 502(b)(9); Fed. R. Bankr. P. 3002(c)(1); *see also* 11 U.S.C. § 301 (“The commencement of a voluntary case under a chapter of this title constitutes an order for relief under such chapter.”). Therefore, CHFA’s proof of claim, dated February 23, 2017, was timely filed.

IT IS SO ORDERED at Hartford, Connecticut this 18th day of April 2017.

James J. Tancredi
United States Bankruptcy Judge
District of Connecticut