

Automatic Adjustment of Certain Dollar Amounts in the Bankruptcy Code, Title 28 and Official and Director's Bankruptcy Forms

On April 1, 2016 automatic adjustments to the dollar amounts stated in various provisions of the Bankruptcy Code and one provision in Title 28 of the United States Code will become effective.

The adjusted dollar amounts will affect, among other matters:

- the eligibility of a debtor to file under chapters 12 and 13 of the Bankruptcy Code;
- the definition of a small business debtor;
- certain maximum values of property that a debtor may claim as exempt;
- the maximum amount of certain claims entitled to priority;
- the calculation of the “means test” for chapter 7 debtors;
- the duration of a chapter 13 plan;
- the minimum aggregate value of claims needed to commence an involuntary bankruptcy case;
- the minimum value for trustee avoidance actions; and

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- the value of “luxury goods and services” deemed to be nondischargeable where the trustee may commence certain proceedings to recover a money judgment or property

Seven of the Official Forms and two of the Director's Forms contain references to several of the affected dollar amounts:

- Official Form 106C, Schedule C: The Property You Claim as Exempt;
- Official Form 107, Statement of Financial Affairs for Individuals Filing for Bankruptcy;
- Official Form 122A-2, Chapter 7 Means Test Calculation;
- Official Form 122C-2, Chapter 13 Calculation of Your Disposable Income;
- Official Form 201, Voluntary Petition for Non-Individuals Filing for Bankruptcy;
- Official Form 207, Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy;
- Official Form 410, Proof of Claim;
- Director's Form 2000, Required Lists, Schedules, Statements, and Fees; and
- Director's Form 2830, Chapter 13 Debtor's Certification Regarding Domestic Support Obligations and Section 522(q).

Attached is a chart showing the affected sections of the Bankruptcy Code and Title 28 and both the current and adjusted dollar amounts in those sections. The revised forms will be effective on April 1, 2016 and will apply to cases filed on or after that date.

ATTACHMENT
Effective April 1, 2016

Affected Sections of Title 28 U.S.C. and the Bankruptcy Code	Dollar Amount to be Adjusted	New (Adjusted) Dollar Amount¹
28 U.S.C.		
Section 1409(b) - a trustee may commence a proceeding arising in or related to a case to recover		
(1) - money judgment of or property worth less than	\$1,250	\$1,300
(2) - a consumer debt less than	\$18,675	\$19,250
(3) - a non consumer debt against a non insider less than	\$12,475	\$12,850
11 U.S.C.		
Section 101(3) - definition of assisted person	\$186,825	\$192,450
Section 101(18) - definition of family farmer	\$4,031,575 (each time it appears)	\$4,153,150 (each time it appears)
Section 101(19A) - definition of family fisherman	\$1,868,200 (each time it appears)	\$1,924,550 (each time it appears)
Section 101(51D) - definition of small business debtor	\$2,490,925 (each time it appears)	\$2,566,050 (each time it appears)
Section 109(e) - debt limits for individual filing bankruptcy under chapter 13	\$383,175 (each time it appears)	\$394,725 (each time it appears)
	\$1,149,525 (each time it appears)	\$1,184,200 (each time it appears)
Section 303(b) - minimum aggregate claims needed for the commencement of an involuntary chapter 7 or 11 petition		
(1) - in paragraph (1)	\$15,325	\$15,775
(2) - in paragraph (2)	\$15,325	\$15,775
Section 507(a) - priority expenses and claims		
(1) - in paragraph (4)	\$12,475	\$12,850
(2) - in paragraph (5)(B)(i)	\$12,475	\$12,850
(3) - in paragraph (6)(B)	\$6,150	\$6,325
(4) - in paragraph (7)	\$2,775	\$2,850

¹ The New (Adjusted) Dollar Amounts reflect a 3.016 percent increase, rounded to the nearest \$25.

Section 522(d) - value of property exemptions allowed to the debtor		
(1) - in paragraph (1)	\$22,975	\$23,675
(2) - in paragraph (2)	\$3,675	\$3,775
(3) - in paragraph (3)	\$575 \$12,250	\$600 \$12,625
(4) - in paragraph (4)	\$1,550	\$1,600
(5) - in paragraph (5)	\$1,225 \$11,500	\$1,250 \$11,850
(6) - in paragraph (6)	\$2,300	\$2,375
(7) - in paragraph (8)	\$12,250	\$12,625
(8) - in paragraph (11)(D)	\$22,975	\$23,675
Section 522(f)(3) - exception to lien avoidance under certain state laws	\$6,225	\$6,425
Section 522(f)(4) - items excluded from definition of household goods for lien avoidance purposes	\$650 (each time it appears)	\$675 (each time it appears)
Section 522(n) - maximum aggregate value of assets in individual retirement accounts exempted	\$1,245,475	\$1,283,025
Section 522(p) - qualified homestead exemption	\$155,675	\$160,375
Section 522(q) - state homestead exemption	\$155,675	\$160,375
Section 523(a)(2)(C) - exceptions to discharge		
(1) - in paragraph (i)(I) - consumer debts for luxury goods or services incurred < 90 days before filing owed to a single creditor in the aggregate	\$650	\$675
(2) - in paragraph (i)(II) - cash advances incurred < 70 days before filing in the aggregate	\$925	\$950

Section 541(b) - property of the estate exclusions		
(1) - in paragraph (5)(C) - education IRA funds in the aggregate	\$6,225	\$6,425
(2) - in paragraph (6)(C) - pre-purchased tuition credits in the aggregate	\$6,225	\$6,425
(3) - in paragraph (10)(C) - qualified ABLE program funds in the aggregate	\$6,225	\$6,425
Section 547(c)(9) - preferences, trustee may not avoid a transfer if, in a case filed by a debtor whose debts are not primarily consumer debts, the aggregate value of property is less than	\$6,225	\$6,425
Section 707(b) - dismissal of a chapter 7 case or conversion to chapter 11 or 13 (means test)		
(1) - in paragraph (2)(A)(i)(I)	\$7,475	\$7,700
(2) - in paragraph (2)(A)(i)(II)	\$12,475	\$12,850
(3) - in paragraph (2)(A)(ii)(IV)	\$1,875	\$1,925
(4) - in paragraph (2)(B)(iv)(I)	\$7,475	\$7,700
(5) - in paragraph (2)(B)(iv)(II)	\$12,475	\$12,850
(6) - in paragraph (5)(B)	\$1,250	\$1,300
(7) - in paragraph (6)(C)	\$675	\$700
(8) - in paragraph (7)(A)(iii)	\$675	\$700
Section 1322(d) - contents of chapter 13 plan, monthly income	\$675 (each time it appears)	\$700 (each time it appears)
Section 1325(b) - chapter 13 confirmation of plan, disposable income	\$675 (each time it appears)	\$700 (each time it appears)
Section 1326(b)(3) - payments to former chapter 7 trustee	\$25	\$25