

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA**

PUBLIC NOTICE

**ADJUSTMENT OF CERTAIN DOLLAR AMOUNTS IN THE
BANKRUPTCY CODE, TITLE 28, UNITED STATES CODE, AND OFFICIAL AND
DIRECTOR'S BANKRUPTCY FORMS; ADJUSTMENT TO DOLLAR AMOUNT IN
LOCAL BANKRUPTCY RULE 2016-2**

Effective April 1, 2022

On April 1, 2022, 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 go into effect. The adjusted dollar amounts will apply to cases filed on or after April 1, 2022. The relevant provisions are codified in 11 U.S.C. § 104(a). The amended 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 amounts 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
- the value of consumer debts for luxury goods and services presumed to be nondischargeable; and
- where the trustee may commence certain proceedings.

A chart showing the affected sections of the Bankruptcy Code and Title 28, with the current and adjusted dollar amount in those sections, is attached. On February 4, 2022, the adjusted dollar amounts were published in volume 87, number 24, of the *Federal Register*, at pages 6625-6626. The adjustments reflect the change in the *Consumer Price Index for All Urban Consumers* published by the U.S. Department of Labor for the three-year period ending immediately before January 1, 2021, and are rounded to the nearest \$25.

Seven Official Forms and two 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).

The revised forms will be effective on April 1, 2022, and will apply to cases filed on or after that date. The revised forms incorporating the dollar amount changes have been posted to [Pending Changes in Bankruptcy Forms](#) page of the uscourts.gov website.. Once effective, the revised forms will be available on the [Bankruptcy Forms](#) page uscourts.gov website.

The Court's Local Bankruptcy Rule 2016-2, Administrative Claims of Entities other than Professionals, states:

Except for fees and expenses subject to 11 U.S.C. §330, a chapter 7 trustee shall have the authority, prior to approval of the trustee's final report, without further order of the Court, to pay: (1) reasonable and necessary administrative expenses in an aggregate amount not exceeding the amount specified in the "Adjustment of Dollar Amounts" statement published and updated periodically by the Clerk, as approved by the Court, per case; and (2) administrative taxes. The dollar limit specified in the "Adjustment of Dollar Amounts" statement will be adjusted in the same manner as the adjustments provided for by 11 U.S.C. §104(a).

As set forth in the Comments to this Rule, "The dollar limit set forth in the 'Adjustment of Dollar Amounts' statement is the same as the federal exemption for motor vehicles provided in 11 U.S.C. § 522(d)(2) (currently . . . [\$4,000]), and therefore the periodic adjustment will be easily ascertainable by reference to that section." As set forth in the attachment, and on the Court's internet website's Adjustment of Dollar Amount web page, effective April 1, 2022, the new dollar amount will be \$4,450.00.

William C. Redden
Clerk of Court

Date: March 10, 2022

Attachment

Affected Sections of Title 28 U.S.C. and the Bankruptcy Code	Dollar Amount to be Adjusted	New (Adjusted) Dollar Amount ¹
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	\$1,375	\$1,525
(2) - a consumer debt less than	\$20,450	\$22,700
(3) - a non-consumer debt against a non-insider less than	\$25,000	\$27,750
11 U.S.C.		
Section 101(3) - definition of assisted person	\$204,425	\$226,850
Section 101(18) - definition of family farmer	\$10,000,000 (each time it appears)	\$11,097,350 (each time it appears)
Section 101(19A) - definition of family fisherman	\$2,044,225 (each time it appears)	\$2,268,550 (each time it appears)
Section 101(51D) - definition of small business debtor	\$2,725,625 (each time it appears)	\$3,024,725 (each time it appears)
Section 109(e) - debt limits for individual filing bankruptcy under chapter 13	\$419,275 (each time it appears)	\$465,275 (each time it appears)
	\$1,257,850 (each time it appears)	\$1,395,875 (each time it appears)
Section 303(b) - minimum aggregate claims needed for the commencement of an involuntary chapter 7 or 11 petition	\$16,750 (each time it appears)	\$18,600 (each time it appears)
Section 507(a) - priority expenses and claims		
(1) - in paragraph (4)	\$13,650	\$15,150
(2) - in paragraph (5)(B)(i)	\$13,650	\$15,150
(3) - in paragraph (6)	\$6,725	\$7,475
(4) - in paragraph (7)	\$3,025	\$3,350

¹ The New (Adjusted) Dollar Amounts reflect a 10.97347880254584 percent increase, rounded to the nearest \$25.

Section 522(d) - value of property exemptions allowed to the debtor		
(1) - in paragraph (1)	\$25,150	\$27,900
(2) - in paragraph (2)	\$4,000	\$4,450
(3) - in paragraph (3)	\$625 \$13,400	\$700 \$14,875
(4) - in paragraph (4)	\$1,700	\$1,875
(5) - in paragraph (5)	\$1,325 \$12,575	\$1,475 \$13,950
(6) - in paragraph (6)	\$2,525	\$2,800
(7) - in paragraph (8)	\$13,400	\$14,875
(8) - in paragraph (11)(D)	\$25,150	\$27,900
Section 522(f)(3) - exception to lien avoidance under certain state laws	\$6,825	\$7,575
Section 522(f)(4) - items excluded from definition of household goods for lien avoidance purposes	\$725 (each time it appears)	\$800 (each time it appears)
Section 522(n) - maximum aggregate value of assets in individual retirement accounts exempted	\$1,362,800	\$1,512,350
Section 522(p) – state homestead exemption, limit for interest acquired \leq 1215 days before filing	\$170,350	\$189,050
Section 522(q) – state homestead exemption, limit under particular circumstances	\$170,350	\$189,050
Section 523(a)(2)(C) - exceptions to discharge – presumption of nondischargeability		
(1) - in paragraph (i)(I) - consumer debts for luxury goods or services incurred \leq 90 days before filing owed to a single creditor in the aggregate	\$725	\$800
(2) - in paragraph (i)(II) – certain cash advances obtained \leq 70 days before filing, in the aggregate	\$1,000	\$1,100
Section 541(b)- certain property of the estate exclusion limits	\$6,825 (each time it appears)	\$7,575 (each time it appears)

Section 547(c)(9) – minimum preference avoidance value in cases with primarily non-consumer debts	\$6,825	\$7,575
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)	\$8,175	\$9,075
(2) - in paragraph (2)(A)(i)(II)	\$13,650	\$15,150
(3) - in paragraph (2)(A)(ii)(IV)	\$2,050	\$2,275
(4) - in paragraph (2)(B)(iv)(I)	\$8,175	\$9,075
(5) - in paragraph (2)(B)(iv)(II)	\$13,650	\$15,150
(6) - in paragraph (5)(B)	\$1,375	\$1,525
(7) - in paragraph (6)(C)	\$750	\$825
(8) - in paragraph (7)(A)(iii)	\$750	\$825
Section 1322(d) - length of chapter 13 plan, current monthly income, 4+ household	\$750 (each time it appears)	\$825 (each time it appears)
Section 1325(b) - confirmation of chapter 13 plan, current monthly income, 4+ household	\$750 (each time it appears)	\$825 (each time it appears)
Section 1326(b)(3) - payments to former chapter 7 trustee	\$25	\$25