

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

MEANS TESTING

Census Bureau and IRS Data

*From [United States Trustee Program Web Site](#)
Cases Filed On and After November 1, 2015*

Bankruptcy Forms B22A and B22C (Statement of Current Monthly Income and calculations) are Official Bankruptcy Forms which most individual debtors filing for bankruptcy relief are required to complete. Bankruptcy Form B22A is the form most chapter 7 debtors must complete for “means testing” purposes; Form B22C is the form most chapter 13 debtors must complete. A debtor must enter income and expense information onto the appropriate form and then make calculations using the entered information. Some of the information needed to complete the forms comes from the Census Bureau and the Internal Revenue Service (IRS). This external data, as it applies to residents of New York State, has been reproduced here in a format that is designed for ease of use in completing these bankruptcy forms. The source data is also available directly from the IRS and Census Bureau.

CENSUS BUREAU DATA

In Part III of Bankruptcy Form B22A and Part II of Bankruptcy Form B22C, debtors are instructed to enter the “Applicable median family income.” This information is published by the Census Bureau according to State and family size, and the data is updated each year. In addition, pursuant to 11 U.S.C. § 101(39A)(B), the data made available here will be further adjusted early each calendar year based upon the Consumer Price Index for All Urban Consumers.

Census Bureau Median Family Income By Family Size

The following is median family income data reproduced in a format designed for ease of use in completing Bankruptcy Forms B22A and B22C.

NEW YORK STATE

1 EARNER	FAMILY SIZE		
	2 PEOPLE	3 PEOPLE	4 PEOPLE*
\$49,028	\$62,377	\$71,989	\$88,642

*Add \$8,100 for each individual in excess of 4.

MEANS TESTING

IRS Data (Cases Filed On and After November 1, 2015)

In Part V, Subpart A, of Bankruptcy Form B22A and Part III, Subpart A, of Bankruptcy Form B22C, debtors are instructed to enter "National Standards" and "Local Standards." This information is updated annually by the IRS. The following data is reproduced in a format designed for ease of use in completing these bankruptcy forms.

NOTE: The IRS expense figures posted here are for use in completing bankruptcy forms. They are NOT for use in computing taxes or for any other tax administration purpose.

1. National Standards. The National Standards are published by the IRS, and the table includes five (5) subcategories of expenses and their combined total. The National Standards are published by household size and gross income level.

Part V, Subpart B, on Form B22A and Part IV, Subpart B, on Form B22C allow for a qualifying debtor to claim an additional food and clothing ("apparel and services") expense if the debtor's average monthly food and clothing expense exceeds the combined allowances for those two subcategories, not to exceed five (5) percent. For purposes of these bankruptcy forms, the "Food" and "Apparel & services" subcategories have been combined and are provided as a separate line item, which is displayed together with the five (5) percent calculation of those two subcategories combined.

Collection Financial Standards for Food, Clothing and Other Items

One Person National Standards Based on Gross Monthly Income

Expense	One Person	Two Persons	Three Persons	Four Persons
Food	315	588	660	821
Housekeeping supplies	32	66	65	74
Apparel & services	88	162	209	244
Personal care products & services	34	61	64	70
Miscellaneous	116	215	251	300
Total	\$585	\$1,092	\$1,249	\$1,513

For each additional person, add to four person total allowance: \$378

Bankruptcy Allowable Living Expenses – National Standards (See 11 U.S.C. § 707(b)(2)(A)(ii)(I))

Expense	One Person	Two Persons	Three Persons	Four Persons
Food & Clothing (Apparel & Services)*	\$403	\$750	\$869	\$1,065
5% of Food & Clothing	\$20	\$38	\$43	\$53

More than Four Persons	Additional amount per person
Food & Clothing (Apparel & Services)*	\$266
5% of Food & Clothing	\$13

2. Local Standards. The Local Standards are published by the IRS and consist of two primary expense categories, "Housing and Utilities" and "Transportation."

a. Local Housing and Utilities Expense Standards - For Counties Which the Eastern District of New York Comprises. The Housing and Utilities Standards are published by the IRS by State, county, and family size. For purposes of these bankruptcy forms, the Housing and Utilities Standards are provided in two components -- non-mortgage expenses and mortgage/rent expenses.

Data for Kings, Queens, Richmond, Nassau, and Suffolk Counties

Family Size And Expense Type						
	1 Person		2 Person		3 Person	
	Non-Mortgage	Mortgage/Rent	Non-Mortg.	Mortgage/Rent	Non-Mortgage	Mortgage/Rent
Kings County	\$606	\$1,761	\$712	\$2,069	\$750	\$2,180
Queens County	\$596	\$1,682	\$700	\$1,975	\$738	\$2,081
Richmond County	\$574	\$1,661	\$674	\$1,951	\$710	\$2,056
Nassau County	\$593	\$2,254	\$696	\$2,647	\$734	\$2,789
Suffolk County	\$578	\$1,985	\$679	\$2,331	\$716	\$2,456

Note: These IRS expense figures are for use in completing bankruptcy forms. They are not for use in computing taxes or for any other tax administration purpose. Expense information for tax purposes can be found on the IRS Web site.

b. Local Transportation Expense Standards - For New York Metropolitan Statistical Area. The Transportation Standards are published by the IRS in two components. The Operating Costs & Public Transportation Costs component of the Transportation Standards is published by number of cars and by Metropolitan Statistical Area (MSA) and Census Bureau region. The data presented here applies to the New York Metropolitan Statistical Area, which includes the counties which the Eastern District of New York comprises (Kings, Queens, Richmond, Nassau and Suffolk). The Ownership Costs component of the Transportation Standards is published on a national basis, by number of cars. The information is reproduced here in a format designed for ease of use in completing the bankruptcy forms.

IRS LOCAL TRANSPORTATION* EXPENSE STANDARDS

New York Metropolitan Statistical Area

Operating Costs & Public Transportation Costs (Line 22, Form B22A) (Line 27, Form B22C)			
Region	No Car	One Car	Two Cars
New York	\$185	\$342	\$684

*Does not include personal property taxes.

Ownership Costs (Lines 23 and 24, Form B22A) (Lines 28 and 29, Form B22C)		
	First Car	Second Car
National	\$517	\$1,034

Administrative Expenses Multiplier

11 U.S.C. § 707(b)(2)(A)(ii)(III) allows a debtor who is eligible for chapter 13 to include in his/her calculation of monthly expenses the actual administrative expenses of administering a chapter 13 plan in the judicial district where the debtor resides.

The Executive Office for U.S. Trustees issues the schedules of actual administrative expenses which contain, by judicial district, the chapter 13 multiplier needed to complete Official Bankruptcy Forms B22A and B22C (Statement of Current Monthly Income and calculations). Form B22A is the form most chapter 7 debtors will complete and the multiplier is entered on Line 45.b; Form B22C is the form most chapter 13 debtors will complete and the multiplier is entered on Line 50.b.

For the Eastern District of New York, the multiplier to be entered is **8.2%**.