

United States Code Annotated
Title 11. Bankruptcy (Refs & Annos)
Chapter 13. Adjustment of Debts of an Individual with Regular Income (Refs & Annos)
Subchapter II. The Plan

11 U.S.C.A. § 1322

§ 1322. Contents of plan

Effective: December 22, 2010

[Currentness](#)

(a) The plan--

(1) shall provide for the submission of all or such portion of future earnings or other future income of the debtor to the supervision and control of the trustee as is necessary for the execution of the plan;

(2) shall provide for the full payment, in deferred cash payments, of all claims entitled to priority under [section 507](#) of this title, unless the holder of a particular claim agrees to a different treatment of such claim;

(3) if the plan classifies claims, shall provide the same treatment for each claim within a particular class; and

(4) notwithstanding any other provision of this section, may provide for less than full payment of all amounts owed for a claim entitled to priority under [section 507\(a\)\(1\)\(B\)](#) only if the plan provides that all of the debtor's projected disposable income for a 5-year period beginning on the date that the first payment is due under the plan will be applied to make payments under the plan.

(b) Subject to subsections (a) and (c) of this section, the plan may--

(1) designate a class or classes of unsecured claims, as provided in [section 1122](#) of this title, but may not discriminate unfairly against any class so designated; however, such plan may treat claims for a consumer debt of the debtor if an individual is liable on such consumer debt with the debtor differently than other unsecured claims;

(2) modify the rights of holders of secured claims, other than a claim secured only by a security interest in real property that is the debtor's principal residence, or of holders of unsecured claims, or leave unaffected the rights of holders of any class of claims;

(3) provide for the curing or waiving of any default;

- (4) provide for payments on any unsecured claim to be made concurrently with payments on any secured claim or any other unsecured claim;
 - (5) notwithstanding paragraph (2) of this subsection, provide for the curing of any default within a reasonable time and maintenance of payments while the case is pending on any unsecured claim or secured claim on which the last payment is due after the date on which the final payment under the plan is due;
 - (6) provide for the payment of all or any part of any claim allowed under [section 1305](#) of this title;
 - (7) subject to [section 365](#) of this title, provide for the assumption, rejection, or assignment of any executory contract or unexpired lease of the debtor not previously rejected under such section;
 - (8) provide for the payment of all or part of a claim against the debtor from property of the estate or property of the debtor;
 - (9) provide for the vesting of property of the estate, on confirmation of the plan or at a later time, in the debtor or in any other entity;
 - (10) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are nondischargeable under [section 1328\(a\)](#), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims; and
 - (11) include any other appropriate provision not inconsistent with this title.
- (c) Notwithstanding subsection (b)(2) and applicable nonbankruptcy law--
- (1) a default with respect to, or that gave rise to, a lien on the debtor's principal residence may be cured under paragraph (3) or (5) of subsection (b) until such residence is sold at a foreclosure sale that is conducted in accordance with applicable nonbankruptcy law; and
 - (2) in a case in which the last payment on the original payment schedule for a claim secured only by a security interest in real property that is the debtor's principal residence is due before the date on which the final payment under the plan is due, the plan may provide for the payment of the claim as modified pursuant to [section 1325\(a\)\(5\)](#) of this title.
- (d)(1) If the current monthly income of the debtor and the debtor's spouse combined, when multiplied by 12, is not less than--
- (A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner;
 - (B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals; or

(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals, plus \$825 [originally “\$525”, adjusted effective April 1, 2022]¹ per month for each individual in excess of 4,

the plan may not provide for payments over a period that is longer than 5 years.

(2) If the current monthly income of the debtor and the debtor's spouse combined, when multiplied by 12, is less than--

(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner;

(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals; or

(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals, plus \$825 [originally “\$525”, adjusted effective April 1, 2022]¹ per month for each individual in excess of 4,

the plan may not provide for payments over a period that is longer than 3 years, unless the court, for cause, approves a longer period, but the court may not approve a period that is longer than 5 years.

(e) Notwithstanding subsection (b)(2) of this section and [sections 506\(b\)](#) and [1325\(a\)\(5\)](#) of this title, if it is proposed in a plan to cure a default, the amount necessary to cure the default, shall be determined in accordance with the underlying agreement and applicable nonbankruptcy law.

(f) A plan may not materially alter the terms of a loan described in [section 362\(b\)\(19\)](#) and any amounts required to repay such loan shall not constitute “disposable income” under [section 1325](#).

CREDIT(S)

(Pub.L. 95-598, Nov. 6, 1978, 92 Stat. 2648; Pub.L. 98-353, Title III, §§ 316, 528, July 10, 1984, 98 Stat. 356, 389; Pub.L. 103-394, Title III, §§ 301, 305(c), Oct. 22, 1994, 108 Stat. 4131, 4134; Pub.L. 109-8, Title II, §§ 213(8), (9), 224(d), Title III, § 318(1), Apr. 20, 2005, 119 Stat. 53, 65, 93; Pub.L. 111-327, § 2(a)(43), Dec. 22, 2010, 124 Stat. 3562.)

ADJUSTMENT OF DOLLAR AMOUNTS

<For adjustment of dollar amounts specified in subsec. (d)(1)(C), (2)(C) of this section by the Judicial Conference of the United States, effective Apr. 1, 2022, see note set out under [11 U.S.C.A. § 104](#).>

<By notice published Feb. 4, 2022, 87 F.R. 6625, the Judicial Conference of the United States adjusted the dollar amounts in provisions specified in subsec. (d)(1)(C) and (2)(C) of this section, effective Apr. 1, 2022, as follows:>

<Adjusted \$750 (each time it appears) to \$825 (each time it appears).>

<By notice published Feb. 12, 2019, 84 F.R. 3488, the Judicial Conference of the United States adjusted the dollar amounts in provisions specified in subsec. (d)(1)(C) and (2)(C) of this section, effective Apr. 1, 2019, as follows:>

<Adjusted \$700 (each time it appears) to \$750 (each time it appears).>

<By notice published Feb. 22, 2016, 81 F.R. 8748, the Judicial Conference of the United States adjusted the dollar amounts in provisions specified in subsec. (d)(1)(C) and (2)(C) of this section, effective Apr. 1, 2016, as follows:>

<Adjusted \$675 (each time it appears) to \$700 (each time it appears).>

<By notice published Feb. 21, 2013, 78 F.R. 12089, the Judicial Conference of the United States adjusted the dollar amounts in provisions specified in subsec. (d)(1)(C) and (2)(C) of this section, effective Apr. 1, 2013, as follows:>

<Adjusted \$625 (each time it appears) to \$675 (each time it appears).>

<By notice published Feb. 25, 2010, 75 F.R. 8747, the Judicial Conference of the United States adjusted the dollar amounts in provisions specified in subsec. (d)(1)(C) and (2)(C) of this section, effective Apr. 1, 2010, as follows:>

<Adjusted \$575 (each time it appears) to \$625 (each time it appears).>

<By notice published Feb. 14, 2007, 72 F.R. 7082, the Judicial Conference of the United States adjusted the dollar amounts in provisions specified in subsec. (d) of this section, effective Apr. 1, 2007, as follows:>

<Adjusted \$525 (each time it appears) to \$575 (each time it appears).>

Notes of Decisions (1528)

Footnotes

¹ See Adjustment of Dollar Amounts notes set out under this section and [11 U.S.C.A. § 104](#).

11 U.S.C.A. § 1322, 11 USCA § 1322

Current through P.L. 118-41. Some statute sections may be more current, see credits for details.