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October 1, 2016 by the

Department of Human Services, Office of Self-Sufficiency Programs
Agency and Division

461
Chapter Number

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to become effective October 1, 2016.

Rulemaking Notice was published in the September 2016 Oregon Bulletin.

Rule Caption: *Amending and repealing rules relating to public assistance programs including REF, SNAP, and TANF*

RULEMAKING ACTION

AMEND: 461-001-0000, 461-110-0370, 461-130-0305, 461-130-0310, 461-130-0315, 461-130-0330, 461-130-0335, 461-135-0085, 461-135-0200, 461-135-0520, 461-135-0850, 461-155-0030, 461-155-0190, 461-160-0420, 461-160-0430, 461-165-0060, 461-170-0011, 461-175-0220, 461-190-0310, 461-190-0360, 461-193-0031

REPEAL: 461-155-0030(T), 461-193-0560

ORS 409.050, 411.060, 411.816, 412.009, 412.049

Stat. Auth.

45 CFR 400; Food and Nutrition Act of 2008; 7 USC 2015(o), 7 USC 2020(s)(5), 7 CFR 273.7, 7 CFR 273.24, 7 CFR 273.26-32

Other Auth.

ORS 409.050, 411.060, 411.070, 411.121, 411.816, 411.837, 412.009, 412.049

Stats. Implemented

Rule Summary

The Department of Human Services, Office of Self-Sufficiency Programs, is amending rules impacting the refugee cash assistance program (REF), the Supplemental Nutrition Assistance Program (SNAP), and the Temporary Assistance for Needy Families (TANF) program. The changes are described in detail below. Additional non-substantive edits were made to: ensure consistent terminology throughout self-sufficiency program rules and policies; make general updates consistent with current Department practices; update statutory and rule references; correct formatting and punctuation; improve ease of reading; and clarify Department rules and processes.

REF

OAR 461-135-0850, 461-155-0030, and 461-193-0031 are being amended and OAR 461-193-0560 is being repealed to update policy applicable in the REF program. Specifically:

- OAR 461-135-0850 about the requirements of the Repatriate Program is being amended to clarify eligibility requirements and benefits consistent with federal regulations.
- OAR 461-155-0030 about income and payment standards in the REF and TANF programs is being amended to state that the new Exit Limit Increase (ELI) does not apply to the Refugee (REF) program. The ELI was established on April 1, 2016 as part of the implementation of the TANF redesign in [HB 3535](#) (2015). The ELI is an increased income limit standard applied to clients who would otherwise become ineligible due to increased earnings from employment. The ELI is intended to help clients ease off public assistance and avoid the so-called "benefits cliff" that may serve as a disincentive to employment. Although REF policy is aligned with TANF policy whenever possible, in this case the ELI will only apply to TANF. (This makes permanent a temporary rule adopted on May 12, 2016.)
- OAR 461-193-0031 about eligibility requirements for the Refugee Case Services Project (RCSP) is being amended to remove the requirement to be enrolled full time as a student. Educational requirements for refugee assistance is covered in more detail in OAR 461-135-0900(3). OAR references to the alien status requirements rule (OAR 461-120-0125) are also updated.
- OAR 461-193-0560 about the payment standards in the Refugee Case Services Project (RCSP) is being repealed. RCSP is a public/private partnership between the Department and the Voluntary Agencies (Volag) that resettle refugees in the tri-county (Multnomah, Clackamas, and Washington) area. The benefit clients in the RCSP receive is through the REF program. REF payment standards are addressed in OAR 461-155-0030.

SNAP

OAR 461-110-0370 about filing groups in the SNAP program, OAR 461-155-0190 about income and payment standards in the SNAP program, OAR 461-160-0420 about shelter costs in the SNAP program, 461-160-0430 about income deductions in the SNAP program, and OAR 461-165-0060 about minimum benefit amounts are being amended to comply with changes to federal SNAP standards that will be effective on October 1, 2016.

OAR 461-130-0305, 461-130-0310, 461-130-0315, 461-175-0220, and 461-190-0310 are being amended to make the OFSET program voluntary starting October 1, 2016. Specifically:

- OAR 461-130-0305 about general employment program requirements is being amended to state that in the SNAP program, volunteers include: ABAWD in waived areas who are exempt or mandatory and choose to participate in the SNAP employment and training program; non-ABAWD clients who are exempt or mandatory and choose to participate in the SNAP employment and training program; and clients who are not mandatory and choose to participate in the SNAP employment and training program.
- OAR 461-130-0310 about participation classifications is being amended to remove exempt criteria that were only used to determine whether a client must participate in OFSET. Because OFSET will be voluntary, those criteria will not long be applicable.
- OAR 461-135-0315 about requirements for mandatory employment program clients is being amended to state that in the SNAP program, the only employment program requirement is to maintain employment as provided in the rule, except that mandatory ABAWD clients subject to the time limit in OAR 461-135-0520 must complete the activities and components in their case plan.
- OAR 461-175-0220 about notice requirements for disqualifications is being amended to change references to OFSET disqualifications to SNAP Employment and Training disqualifications. As a voluntary program, clients will not be disqualified for failure to participate in OFSET.

- OAR 461-190-0310 about limits to SNAP employment and training components and activities is being amended to make the program voluntary effective September 30, 2016.

OAR 461-130-0305, 461-130-0315, 461-130-0335, 461-135-0520, 461-175-0220, 461-190-0310, and 461-190-0360 are being amended to support the Department's continued implementation of the federal three-month time limit on SNAP benefits. Effective January 1, 2016, the time limit applies to able-bodied adults without dependents (ABAWD) residing in Multnomah or Washington County who are not otherwise exempt. (This will expand to include Clackamas County effective January 1, 2017.) These clients must meet work requirements to continue to receive SNAP benefits beyond the three-month time limit. Specific amendments being proposed to support the Department's implementation of the federal time limit include:

- OAR 461-130-0305 about general employment program requirements is being amended to include reference the ABAWD policies in OAR 461-130-0305. The current rule does not reference ABAWD policies.
- OAR 461-130-0315 about requirements for mandatory employment program clients is amended to state that ABAWD clients subject to the time limit in OAR 461-135-0520 must complete all work activities and components in the case plan.
- OAR 461-130-0335 about removing disqualifications is being amended to include how an ABAWD ineligible due to the time limit may regain eligibility under OAR 461-135-0520.
- OAR 461-135-0520 about the SNAP time limit is being amended to indicate which counties are covered under the time limit waiver and which counties are not waived and therefore, subject to the time limit.
- OAR 461-175-0220 about disqualification notices is being amended to include what must be a part of the notice to an ABAWD when they have reached the SNAP time limit.
- OAR 461-190-0310 about limits on SNAP employment and training components and activities is being amended to include the end of OFSET in Clackamas County as of September 30, 2016.
- OAR 461-190-0360 about special payments for SNAP employment programs is being amended to increase the support service payment limit for ABAWD clients in the non-waiver areas up to \$100 per month to reimburse for transportation and other costs identified in the case plan. The non-waiver areas are currently Multnomah or Washington counties. This will expand to Clackamas County as of January 1, 2017.

TANF

OAR 461-001-0000 about definitions applicable to rules in OAR chapter 461 is being amended to state that in the TANF program, a dependent child is an individual who has not been legally emancipated.

OAR 461-130-0330, 461-130-0335, 461-135-0085, and 461-135-0200 are being amended to align policy and procedures regarding individuals with TANF JOBS and non-JOBS disqualifications. Clients with non-JOBS disqualifications occur when an individual fails to participate in alcohol and drug or mental health requirements under OAR 461-135-0085. When a client receives a disqualification penalty under this rule, the progressive penalty is the same as for a JOBS disqualification (i.e. failure to comply with employment program requirements.) Therefore, policies for both types of disqualifications can be covered in the same rules. Additionally, the rules are clarified regarding what happens when a JOBS exempt client becomes mandatory while serving a non-JOBS disqualification. Under the rule change, the penalty will end when the client becomes mandatory and the client will have an opportunity to participate in the JOBS program. Specifically:

- OAR 461-130-0330 about disqualifications is amended to include disqualification requirements for a non-JOBS disqualification. (The rule is also amended to remove redundant language about re-engagement. Re-engagement is covered in OAR 461-190-023.)

- OAR 461-130-0335 about removing disqualifications and effect on benefits is being amended to include reference to non-JOBS disqualifications under OAR 461-135-0085.
- OAR 461-135-0085 about the requirement to attend an assessment or evaluation or seek medically appropriate treatment for substance abuse or mental health is being amended to clarify that an adult member or parenting teen in the need group must participate in assessments when required by the Department regardless of their participation classification under OAR 461-130-0305. Additionally, the rule is amended to state that the penalty for refusing to participate ends when there is a change in the participation classification of the individual and the individual must be given an opportunity to participate.
- OAR 461-135-0200 about multiple disqualifications and change in JOBS status is being amended to remove the section about how the non-JOBS penalty ends when the client goes from exempt to mandatory. This is more appropriately addressed in OAR 461-135-0085 described above.

OAR 461-170-0011 about changes that must be reported is being amended to state the change reporting requirements for clients receiving Employment Payments. Employment Payments are a benefit given to TANF clients who become ineligible for TANF due to employment income and meet other eligibility requirements in OAR 461-135-1270.

Definitions for Chapter 461

Defined terms are often italicized throughout this chapter of rules. If a defined term is accompanied by a cross-reference to a rule defining the term, subsequent usages of that term in the same rule refer to the same definition cross-referenced earlier in the rule. In this chapter of rules, unless the context indicates otherwise:

- (1) A reference to Division, Adult and Family Services Division (or AFS), Senior and Disabled Services Division (or SDSD), or any other agency formerly part of the Department of Human Services means the Department of Human Services (DHS), except --
 - (a) The rule in which reference occurs only regulates programs covered by OAR chapter 461.
 - (b) OCCS medical program eligibility rules are in OAR chapter 410, division 200.
- (2) "Address Confidentiality Program" (ACP) means a program of the Oregon Department of Justice, which provides a substitute mailing address and mail forwarding service for ACP participants who are victims of *domestic violence* (see section (24) of this rule), sexual assault, or stalking.
- (3) "Adjusted income" means the amount determined by subtracting income deductions from *countable* (see section (18) of this rule) income (see OAR 461-140-0010). Specific rules on the deductions are in OAR chapter 461, division 160.
- (4) "Adoption assistance" means financial assistance provided to families adopting children with special needs. "Adoption assistance" may be state or federally funded. Federal adoption assistance is authorized by the Adoption Assistance and Child Welfare Act of 1980 (Pub. L. No. 96-272, 94 Stat. 500 (1980)). State adoption assistance is authorized by ORS 418.330 to 418.335.
- (5) "Assets" mean income and resources.
- (6) "Basic decision notice" means a *decision notice* (see section (20) of this rule) mailed no later than the date of action given in the notice.
- (7) "Branch office" means any Department or AAA (Area Agency on Aging) office serving a program covered by this chapter of rules.
- (8) "Budgeting" means the process of calculating the benefit level.
- (9) "Budget month" means the calendar month from which nonfinancial and financial information is used to determine *eligibility* (see section (27) of this rule) and benefit level for the *payment month* (see section (50) of this rule).

- (10) "Cafeteria plan" means a written benefit plan offered by an employer in which:
- (a) All participants are employees; and
 - (b) Participants may choose, cafeteria-style, from a menu of two or more cash or qualified benefits. In this context, qualified benefits are benefits other than cash that the Internal Revenue Service does not consider part of an employee's gross income. Qualified benefits include, but are not limited to:
 - (A) Accident and health plans (including medical plans, vision plans, dental plans, accident and disability insurance);
 - (B) Group term life insurance plans (up to \$50,000);
 - (C) Dependent care assistance plans; and
 - (D) Certain stock bonus plans under section 401(k)(2) of the Internal Revenue Code (but not 401(k)(1) plans).
- (11) "Capital asset" means property that contributes toward earning self-employment income, including self-employment income from a *microenterprise* (see section (43) of this rule), either directly or indirectly. A "capital asset" generally has a useful life of over one year and a value, alone or in combination, of \$100 or more.
- (12) "Caretaker" means an individual who is responsible for the care, control, and supervision of a *child* (see section (15) of this rule). The status of "caretaker" ends once the individual no longer exercises care, control, and supervision of the *child* for 30 days.
- (13) "Caretaker relative" means a *caretaker* (see section 12 of this rule) who meets the requirements of one of the following subsections:
- (a) Is one of the following relatives of the *dependent child* (see section (22) of this rule):
 - (A) Any blood relative, including those of half-blood, and including first cousins, nephews, or nieces, and individuals of preceding generations as denoted by prefixes of grand, great, or great-great.
 - (B) Stepfather, stepmother, stepbrother, and stepsister.
 - (C) An individual who legally adopts the *child* and any individual related to the individual adopting the *child*, either naturally or through adoption.
 - (b) Is or was a *spouse* (see section (62) of this rule) of an individual listed in subsection (a) of this section.

- (c) Met the definition of "caretaker relative" under subsection (a) or (b) of this section before the *child* was adopted (notwithstanding the subsequent adoption of the *child*).
- (14) "Certification period" means the period for which an individual is certified eligible for a program.
- (15) "Child" includes natural, step, and adoptive children. The term "child" does not include an unborn.
 - (a) In the ERDC program, a "child" need not have a biological or legal relationship to the *caretaker* but must be in the care and custody of the *caretaker*, must meet the citizenship or alien status requirements of OAR 461-120-0110, and must be:
 - (A) Under the age of 18; or
 - (B) Under the age of 19 and in secondary school or vocational training at least half time.
 - (b) In the GA and OSIP programs, a "child" is an individual under the age of 18.
 - (c) In the OSIPM and QMB programs, "child" means an unmarried individual living with a *parent* (see section (49) of this rule) who is:
 - (A) Under the age of 18; or
 - (B) Under the age of 22 and attending full-time secondary, postsecondary or vocational-technical training designed to prepare the individual for employment.
 - (d) In the REF and REFM programs, a "child" is:
 - (A) An individual under the age of 18; or
 - (B) An individual who is 18 years of age and attending secondary school full-time or pursuing a GED full-time.
- (16) "Community based care" is any of the following:
 - (a) Adult foster care - Room and board and 24 hour care and services for the elderly or for people with disabilities 18 years of age or older. The care is contracted to be provided in a home for five or fewer clients.
 - (b) Assisted living facility - A program approach, within a physical structure, which provides or coordinates a range of services, available on a 24-hour basis, for support of resident independence in a residential setting.

- (c) In-home Services - Individuals living in their home receiving services determined necessary by the Department.
 - (d) Residential care facility - A facility that provides residential care in one or more buildings on contiguous property for six or more individuals who have physical disabilities or are socially dependent.
 - (e) Specialized living facility - Identifiable services designed to meet the needs of individuals in specific target groups which exist as the result of a problem, condition, or dysfunction resulting from a physical disability or a behavioral disorder and require more than basic services of other established programs.
 - (f) Independent choices - In-Home Services program wherein the participant is given cash benefits to purchase self-directed personal assistance services or goods and services provided pursuant to a written service plan (see OAR 411-030-0020).
- (17) "Continuing benefit decision notice" means a *decision notice* that informs the client of the right to continued benefits and is mailed in time to be received by the date benefits are, or would be, received.
- (18) "Countable" means that an available asset (either income or a resource) is not excluded and may be considered by some programs to determine *eligibility*.
- (19) "Custodial parents" mean parents who have physical custody of a *child*. "Custodial parents" may be receiving benefits as dependent children or as caretaker relatives for their own children.
- (20) "Decision notice" means a written notice of a decision by the Department regarding an individual's *eligibility* for benefits in a program.
- (21) "Department" means the Department of Human Services (DHS).
- (22) "Dependent child" in the TANF program means an individual who has not been legally emancipated and who is one of the following:
- (a) An individual who is not a *caretaker relative* (see section (13) of this rule) of a *child* in the household, is unmarried or married but separated, and is under the age of 18, or 18 years of age and a full time student in secondary school or the equivalent level of vocational or technical training; or
 - (b) A *minor parent* (see section (44) of this rule) whose parents have chosen to apply for benefits for the *minor parent*. This does not apply to a *minor parent* who is married and living with his or her *spouse*.
- (23) "Disability" means:
- (a) In the SNAP program, see OAR 461-001-0015.

- (b) In the REF, SFPSS, TA-DVS, and TANF programs, for purposes other than determining *eligibility*:
 - (A) An individual with a physical or mental impairment that substantially limits the individual's ability to meet the requirements of the program; or
 - (B) An individual with a physical or mental impairment that substantially limits one or more major life activities, a record of such impairment, or who is regarded as having such an impairment as defined by the Americans with Disabilities Act (42 USC 12102; 28 CFR 35.104).

- (24) "Domestic violence" means the occurrence of one or more of the acts described in subsections (a) to (d) of this section between family members, intimate partners, or household members:
 - (a) Attempting to cause or intentionally, knowingly, or recklessly causing physical injury or emotional, mental, or verbal abuse.
 - (b) Intentionally, knowingly, or recklessly placing another in fear of imminent serious physical injury.
 - (c) Committing sexual abuse in any degree as defined in ORS 163.415, 163.425 and 163.427.
 - (d) Using coercive or controlling behavior.
 - (e) As used in this section, "family members" and "household members" mean any of the following:
 - (A) *Spouse*;
 - (B) *Former spouse*;
 - (C) Individuals related by blood, *marriage* (see section (42) of this rule), or adoption;
 - (D) Individuals who are cohabitating or have cohabited with each other;
 - (E) Individuals who have been involved in a sexually intimate or dating relationship; or
 - (F) Unmarried parents of a *child*.

- (25) "Domestic violence shelters" are public or private nonprofit residential facilities providing services to victims of *domestic violence*. If the facility serves other people, a portion must be used solely for victims of *domestic violence*.

- (26) "Electronic application" is an application electronically signed and submitted through the Internet.
- (27) "Eligibility" means the decision as to whether an individual qualifies, under financial and nonfinancial requirements, to receive program benefits.
- (28) "Equity value" means *fair market value* (see section (29) of this rule) minus encumbrances.
- (29) "Fair market value" means the amount an item is worth on the open market.
- (30) "Family stability" in the JOBS, Pre-TANF, Post-TANF, SFPSS, TA-DVS, and TANF programs means the characteristics of a family that support healthy child development, including parental mental health, drug and alcohol free environment, stable relationships, and a supportive, flexible, and nurturing home environment.
- (31) "Family stability activity" in the JOBS, Pre-TANF, Post-TANF, SFPSS, TA-DVS, and TANF programs means an action or set of actions taken by an individual, as specified in a case plan, intended to promote the ability of one or both parents to achieve or maintain *family stability* (see section (30) of this rule).
- (32) "Financial institution" means a bank, credit union, savings and loan association, investment trust, or other organization held out to the public as a place receiving funds for deposit, savings, checking, or investment.
- (33) "Homeless" in the ERDC program means lacking a fixed regular and adequate nighttime residence and includes living in an emergency shelter, shared housing with others due to loss of housing or economic hardship, staying in motels, cars, parks, public places, tents, trailers, or other similar settings.
- (34) "Income-producing property" means:
 - (a) In all programs except OSIP, OSIPM, and QMB, real or personal property that generates income for the *financial group* (see OAR 461-110-0530). Examples of "income-producing property" are:
 - (A) Livestock, poultry, and other animals.
 - (B) Farmland, rental homes (including a room or other space in the home or on the property of a member of the *financial group*), vacation homes, and condominiums.
 - (b) In the OSIP, OSIPM, and QMB programs, "income-producing property" means any real or personal property not used in self-employment (see OAR 461-145-0600 and 461-145-0915) that produces income for the *financial group*. "Income-producing property" includes:

- (A) Livestock, poultry, or other animals that produce marketable products sold by the *financial group*.
 - (B) Farmland not excluded under OAR 461-145-0220 that is farmed or rented out by the *financial group*.
 - (C) Real property other than the home (including vacation homes and condominiums), that is rented out.
- (c) In the OSIP, OSIPM, and QMB programs, "income-producing property" does not include:
- (A) Rooms or other space for rent in the home (see OAR 461-145-0220).
 - (B) Livestock, poultry, or other animals kept for resale (see OAR 461-145-0010).
- (35) "Initial month" of *eligibility* means any of the following:
- (a) In all programs, the first month a *benefit group* (see OAR 461-110-0750) is eligible for a program benefit in Oregon after a period during which the group is not eligible.
 - (b) In all programs except the SNAP program, the first month a *benefit group* is eligible for a program benefit after there has been a break in the program benefit of at least one full calendar month. If benefits are suspended for one month, that is not considered a break.
 - (c) In the SNAP program:
 - (A) The first month for which the *benefit group* is certified following any period during which they were not certified to participate, except for *migrant* and *seasonal farm workers* (see OAR 461-001-0015).
 - (B) For *migrant* and *seasonal farmworkers*, the first month for which the *benefit group* is certified following any period of one month or more during which they were not certified to participate.
 - (d) For a new applicant to the OSIP or OSIPM program applying for care in a *nonstandard living arrangement* (see section (45) of this rule), for the purposes of calculating the correct divisor in OAR 461-140-0296, the month in which the individual would have been eligible had it not been for the disqualifying transfer of *assets* (see section (5) of this rule).

- (e) For a current recipient of the OSIP or OSIPM program receiving or applying for care in a *nonstandard living arrangement*, for the purpose of calculating the correct divisor in OAR 461-140-0296, the later of the following:
 - (A) The month the disqualifying transfer occurred.
 - (B) The month of application for *long-term care* (see section (40) of this rule) services if the individual would have been eligible had it not been for the disqualifying transfer of *assets*.
- (36) "In-kind income" means income in a form other than money (such as food, clothing, cars, furniture, and payments made to a third party).
- (37) "Legally married" means a *marriage* uniting two individuals according to --
 - (a) The statutes of the state where the *marriage* occurred;
 - (b) Except in the SNAP program, the common law of the state in which the two individuals previously resided while meeting the requirements for common law marriage in that state; or
 - (c) The laws of a country in which the two individuals previously resided while meeting the requirements for legal or cultural marriage in that country.
- (38) "Life estate" means the right to property limited to the lifetime of the individual holding it or the lifetime of some other individual. In general, a "life estate" enables the owner of the "life estate" to possess, use, and obtain profits from property during the lifetime of a designated individual while actual ownership of the property is held by another individual. A "life estate" is created when an individual owns property and then transfers ownership to another individual while retaining, for the rest of the individual's life, certain rights to that property. In addition, a "life estate" is established when a member of the *financial group* purchases a "life estate" interest in the home of another individual.
- (39) "Lodger" means a member of the *household group* (see OAR 461-110-0210) who---
 - (a) Is not a member of the *filing group* (see OAR 461-110-0310); and
 - (b) Pays the *filing group*:
 - (A) In all programs except the OSIP, OSIPM, and QMB programs, for room and board.
 - (B) In the OSIP, OSIPM, and QMB programs, for room with or without board.
- (40) "Long-term care" means the system through which the Department provides a broad range of social and health services to eligible adults who are aged, blind, or have

disabilities for extended periods of time. This includes nursing homes and state hospitals (Eastern Oregon and Oregon State Hospitals).

- (41) "Lump-sum income" means income received too infrequently or irregularly to be reasonably anticipated, or received as a one-time payment. "Lump-sum income" includes:
- (a) Retroactive benefits covering more than one month, whether received in a single payment or several payments.
 - (b) Income from inheritance, gifts, winnings, and personal injury claims.
- (42) "Marriage" means the union of two individuals who are *legally married* (see section (37) of this rule).
- (43) "Microenterprise" means a sole proprietorship, partnership, or family business with fewer than five employees and capital needs no greater than \$35,000.
- (44) "Minor parent" in the ERDC and TANF programs means a *parent* under the age of 18.
- (45) "Nonstandard living arrangement" is defined as follows:
- (a) In the GA, OSIP, OSIPM, and QMB programs, an individual is considered to be in a "nonstandard living arrangement" when the individual is applying for or receiving services in any of the following locations:
 - (A) A nursing facility in which the individual receives *long-term care* services paid with Medicaid funding, except this subsection does not apply to a Medicare client in a skilled-stay nursing facility.
 - (B) An intermediate care facility for the mentally retarded (ICF/MR).
 - (C) A psychiatric institution, if the individual is not yet 21 years of age or has reached the age of 65.
 - (D) A *community based care* (see section (16) of this rule) setting, except a State Plan Personal Care (SPPC) setting is not considered a "nonstandard living arrangement".
 - (b) In all programs except GA, OSIP, OSIPM, and QMB, "nonstandard living arrangement" means each of the following locations:
 - (A) Foster care.
 - (B) Residential Care facility.
 - (C) Drug or alcohol residential treatment facility.

- (D) Homeless or domestic violence shelter.
 - (E) Lodging house if paying for room and board.
 - (F) Correctional facility.
 - (G) Medical institution.
- (46) "OCCS" is the Office of Client and Community Services, part of the Medical Assistance Programs under the Oregon Health Authority responsible for OCCS medical program *eligibility* policy, community outreach, OCCS Medical Program *eligibility* determinations, and the OHA Customer Service Call Center.
- (47) "OCCS Medical Programs" refers to programs for which *eligibility* policy can be found in OAR chapter 410, division 200, and includes CEC, CEM, MAA, MAF, EXT, OHP, Substitute Care, BCCTP, and MAGI Medicaid/CHIP programs, including:
- (a) MAGI Adult;
 - (b) MAGI Child;
 - (c) MAGI Parent or Other Caretaker Relative;
 - (d) MAGI Pregnant Woman; and
 - (e) MAGI CHIP.
- (48) "Ongoing month" means one of the following:
- (a) For all programs except the SNAP program, any month following the *initial month* (see section (35) of this rule) of *eligibility*, if there is no break in the program benefit of one or more calendar months.
 - (b) For the SNAP program, any month in the *certification period* (see section (14) of this rule) following the *initial month of eligibility*.
- (49) "Parent" for all programs except JPI (see OAR 461-135-1260) and the SNAP program means the biological mother or father of an unborn child or the biological, step, or adoptive mother or father of a *child*. For JPI and the SNAP program, "parent" means the biological or legal mother or father of an individual.
- (a) If the mother lives with a male and either she or the male claims that he is the father of the *child* or unborn, and no one else claims to be the father, he is treated as the father even if paternity has not been legally established.
 - (b) A stepparent relationship exists if:

- (A) The individual is *legally married* to the child's biological or adoptive parent; and
 - (B) The *marriage* has not been terminated by legal separation, divorce, or death.
- (c) A legal adoption erases all prior legal and blood relationships and establishes the adoptive parent as the legal parent. However, the biological parent is also considered a "parent" if both of the following are true:
- (A) The *child* lives with the biological parent; and
 - (B) The legal parent has given up care, control, and supervision of the *child*.
- (50) "Payment month" means, for all programs except EA, the calendar month for which benefits are issued.
- (51) "Payment period" means, for EA, the 30-day period starting with the date the first payment is issued and ending on the 30th day after the date the payment is issued.
- (52) "Periodic income" means income received on a regular basis less often than monthly.
- (53) "Primary person" for all programs except the SNAP program, means the *filing group* member who is responsible for providing information necessary to determine *eligibility* and calculate benefits. The "primary person" for individual programs is as follows:
- (a) In the TANF program, the *parent* or *caretaker relative*.
 - (b) In the ERDC program, the *caretaker*.
 - (c) In the SNAP program, see OAR 461-001-0015.
 - (d) In the GA, OSIP, OSIPM, QMB, REF, and REFM programs, the client or client's *spouse*.
- (54) "Qualified Partnership Policy" means a long-term care insurance policy meeting the requirements of OAR 836-052-0531 that was either:
- (a) Issued while the individual was a resident in Oregon on January 1, 2008 or later; or
 - (b) Issued in another state while the individual was a resident of that state on or after the effective date of that state's federally approved State Plan Amendment to issue qualified partnership policies.
- (55) "Real property" means land, buildings, and whatever is erected on or affixed to the land and taxed as "real property".

- (56) "Reimbursement" means money or in-kind compensation provided specifically for an identified expense.
- (57) "Safe homes" mean private homes that provide a few nights lodging to victims of *domestic violence*. The homes must be recognized as such by the local domestic violence agency, such as crisis hot lines and shelters.
- (58) "Shelter costs" mean, in all programs except the SNAP program, housing costs (rent or mortgage payments, property taxes) and utility costs, not including cable TV or non-basic telephone charges. In the SNAP program, see OAR 461-160-0420.
- (59) "Shelter-in-kind" means an agency or individual outside the *financial group* provides the shelter of the *financial group*, or makes a payment to a third party for some or all of the *shelter costs* (see section (58) of this rule) of the *financial group*. "Shelter-in-kind" does not include temporary shelter provided by a domestic violence shelter, homeless shelter, or residential alcohol and drug treatment facilities or situations where no shelter is being provided, such as sleeping in a doorway, park, or bus station.
- (60) "Sibling" means the brother or sister of an individual. "Blood-related" means they share at least one biological or adoptive parent. "Step" means they are not related by blood, but are related by the *marriage* of their parents.
- (61) "Spousal support" means income paid (voluntarily, per court order, or per administrative order) by a separated or divorced *spouse* to a member of the *financial group*.
- (62) "Spouse" means an individual who is *legally married* to another individual.
- (63) "Stable income" means income that is the same amount each time it is received.
- (64) "Standard living arrangement" means a location that does not qualify as a *nonstandard living arrangement*.
- (65) "Teen parent" means, for TANF and JOBS, a *parent* under the age of 20 who has not completed a high school diploma or GED.
- (66) "Timely continuing benefit decision notice" means a *decision notice* that informs the individual of the right to continued benefits and is mailed no later than the time requirements in OAR 461-175-0050.
- (67) "Trust funds" mean money, securities, or similar property held by an individual or institution for the benefit of another individual.
- (68) "USDA meal reimbursements" mean cash reimbursements made by the Oregon Department of Education for family day-care providers who serve snacks and meals to children in their care.

(69) "Variable income" means earned or unearned income that is not always received in the same amount each month.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.006, 412.014, 412.049, 413.085, 414.685

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.404, 411.816, 411.837, 412.001, 412.006, 412.014, 412.049, 413.085, 414.685

In the SNAP program:

- (1) Except as provided in this rule, the filing group (see OAR 461-110-0370) consists of members of a *household group* (see OAR 461-110-0210) who choose to apply together or customarily purchase and prepare meals together.
- (2) Except as provided in sections (3) and (8) of this rule, the following *household group* members must be in the same filing group, even if they do not customarily purchase and prepare meals together:
 - (a) Each *spouse* (see OAR 461-001-0000).
 - (b) A *parent* (see OAR 461-001-0000) and his or her child under age 22 living with the *parent*.
 - (c) A *household group* member and any child under age 18 who lives with and is under "parental control" of that *household group* member. For the purposes of this subsection, "parental control" means the adult is responsible for the care, control, and supervision of the child or the child is financially dependent on the adult.
- (3) In the following specific situations, the Department forms a filing group as indicated:
 - (a) An individual is not included in the filing group if, during the month the group applied for SNAP program benefits, the individual received SSI benefits through the state of California. This exclusion applies only in the month the group applied and, if necessary to meet notice requirements, in the month following the month the group applied.
 - (b) An individual is not included in the filing group if during the month the group applied for SNAP program benefits the individual received SNAP program benefits in another household and was not the head of household in the prior household. This exclusion applies only in the month the group applied and, if necessary to meet notice requirements, in the month following the month the group applied.
 - (c) An *elderly* (see OAR 461-001-0015) individual and his or her *spouse* may be considered a separate filing group from others with whom the *elderly* individual purchases and prepares meals, if:
 - (A) The *elderly* individual is unable to purchase or prepare food because of a permanent and severe disabling condition; and

- (B) The combined income of the other members of the *household group* does not exceed the following limit:

Other Household Members	Monthly Countable Income
1	<u>\$1,6191,634</u>
2	<u>2,1912,203</u>
3	<u>2,7632,772</u>
4	<u>3,3353,342</u>
5	<u>3,9073,911</u>
6	<u>4,4794,480</u>
7	5,051
8	5,623
Each additional person	572

- (4) A paid live-in attendant may choose not to be in the filing group with the recipient of the services provided, unless required by section (2) of this rule to be in the same filing group.
- (5) An individual in foster care, the individual's *spouse*, and each child under age 22 living with the individual are not eligible to participate in the SNAP program independently of the care or service provider's filing group, but may be included in the provider's filing group if the provider applies for benefits.
- (6) Unless required under section (2) of this rule, the following *household group* members may form a separate filing group from other members of the *household group*:
- (a) A resident of an alcohol or drug treatment and rehabilitation program certified by the Department for which an employee of the facility is the authorized representative (see OAR 461-135-0550). A resident's spouse in the same facility may be in a separate filing group, but a child of a resident must be in the same filing group as the resident.
 - (b) A resident in *group living* (see OAR 461-001-0015).
 - (c) A resident of a public or private non-profit *homeless* or *domestic violence shelter* (see OAR 461-135-0510).
 - (d) An individual who is a resident of federally subsidized housing for the *elderly*, an individual with a disability, or blind recipient of benefits under Title I, II, X, XIV, or XVI of the Social Security Act.
- (7) A member of the *household group* who pays the filing group for room and board (lodger) is treated as follows:

- (a) A lodger cannot participate in the SNAP program independently of the *household group* when the lodger pays a reasonable amount for room and board. A reasonable amount is:
 - (A) An amount that equals or exceeds the Thrifty Food Plan for the individual and anyone in that individual's filing group (see OAR 461-155-0190(2)), if more than two meals per day are provided; or
 - (B) An amount that equals or exceeds two-thirds of the Thrifty Food Plan for the individual and anyone in the individual's filing group, if two or fewer meals per day are provided.
 - (b) A lodger may participate in the SNAP program independently of the *household group* when the lodger pays less than a reasonable amount for room and board.
- (8) A *household group* member is not included in the filing group, if the member is:
- (a) A resident of a commercial boarding house; or
 - (b) An ineligible student, as defined in OAR 461-135-0570.
- (9) A *household group* member may be included in two filing groups in the same month, if the member:
- (a) Is a resident of a *domestic violence shelter* (see OAR 461-001-0000) or *safe home* (see OAR 461-001-0000); and
 - (b) Recently left the *household group* containing the member's abuser.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.816

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.816, 411.825, 411.837

General Provisions; Employment Programs

- (1) This division of rules states --
 - (a) The requirements for a client participating in the employment programs of the Post-TANF, Pre-TANF, REF, SNAP, and TANF programs. The employment programs are the JOBS, ~~OFFSET~~, and REF (administered under division 193 of these rules), and SNAP Employment and Training (see OAR 461-001-0020) employment programs. (The employment and training requirements for ABAWD clients in the SNAP program are also covered in OAR 461-135-0520.)
 - (b) The effect of a labor strike on a client's eligibility for program benefits.
- (2) The following definitions apply to OAR 461-130-0305 through 461-130-0335 and OAR 461-135-0520:
 - (a) "Exempt" means a client who the Department determines is not *mandatory* (see subsection (b) of this section) for an employment program in accordance with OAR 461-130-0310.
 - (b) "Mandatory" means a client in the *need group* (see OAR 461-110-0630) who the Department determines must participate in an employment program in accordance with OAR 461-130-0310.
 - (c) "Volunteer" means:
 - (A) A client who is an ABAWD living in one of the *time limit exempt counties* (see OAR 461-135-0520) who is either *exempt* (see subsection (a) of this section) or *mandatory* and chooses to participate in SNAP Employment and Training;
 - (B) A client who is not an ABAWD and is either *exempt* or *mandatory* and chooses to participate in SNAP Employment and Training; or
 - (C) A client who is not a ~~mandatory-client~~ and chooses to participate in an employment program.
- (3) A client must provide the information necessary for the Department to determine each of the following:
 - (a) The client's participation classification (see OAR 461-130-0310);
 - (b) The client's level of participation; and

- (c) If applicable, whether a client had *good cause* (see OAR 461-130-0327) for any failure to meet a requirement of an employment program.
- (4) In the SNAP program, a *mandatory* client (see OAR 461-130-0310(3)(b)) is registered for the employment program when a member of the *filing group* (see OAR 461-110-0370) or an *authorized representative* (see OAR 461-115-0090 and 461-115-0140) signs the SNAP program application.

Stat. Auth.: ORS 411.060, 411.816, 412.006, 412.009, 412.049

Stats. Implemented: ORS 411.060, 411.816, 412.006, 412.009, 412.049

Participation Classifications: Exempt, Mandatory, and Volunteer

- (1) In the Post-TANF, Pre-TANF, REF, SNAP, and TANF programs:
 - (a) The Department assigns an individual to one or more employment program participation classifications--*exempt*, *mandatory*, and *volunteer* (see OAR 461-130-0305 for definitions of all three terms).
 - (b) In the Post-TANF program or while receiving *Employment Payments* (see OAR 461-001-0025) under OAR 461-135-1270, an individual is classified as a *volunteer*.
- (2) In the Pre-TANF, REF, and TANF programs:
 - (a) An individual is *exempt* from employment program participation and disqualification if the individual meets the requirements of at least one of the following paragraphs. The individual is --
 - (A) Pregnant and in the last month of the pregnancy.
 - (B) Pregnant and experiencing medical complications due to the pregnancy that prohibit participation in activities of the program and are documented by a qualified and appropriate professional.
 - (C) A *parent* (see OAR 461-001-0000) during the first six months after the birth of the parent's *dependent child* (see OAR 461-001-0000) except that the Department may require the *parent* to participate in parenting classes or a *family stability activity* (see OAR 461-001-0000). An exemption allowed under this paragraph may apply only to one *mandatory* participant in each filing group (see OAR 461-110-0310, 461-110-0330, and 461-110-0430).
 - (D) Under 20 years of age during the first 16 weeks after giving birth except that the individual may be required to participate in suitable activities with a preference for educational activities, parenting classes, and *family stability activity*.
 - (E) A *parent* providing care for a family member who is an individual with a *disability* (see OAR 461-001-0000) and is in the *household group* (see OAR 461-110-0210) with the *parent*. Medical documentation to support the need for the care is required.
 - (F) An REF client 65 years of age or older.
 - (G) A TANF client 60 years of age or older.
 - (H) A noncitizen who is not authorized to work in the United States.

- (I) An individual who is eligible for and receives supplemental security income (SSI) from the Social Security Administration.
 - (J) A *caretaker relative* (see OAR 461-001-0000) who is non-needy.
 - (K) An individual whose participation is likely to cause undue hardship or is contrary to the best interests of the *dependent child* or *needy caretaker relative*.
 - (L) Pregnant and participating more than 10 hours per week during the first two months of the third trimester.
 - (M) A VISTA volunteer.
- (b) A *caretaker relative* of a *dependent child* or unborn who receives TANF program benefits is *mandatory* if the *caretaker relative* is in the same filing group with the *dependent child* or unborn (even if the *caretaker relative* is not in the TANF program *benefit group* under OAR 461-110-0750), unless the *caretaker relative* is otherwise *exempt* from participation under subsection (a) of this section.
- (3) In the SNAP program:
- (a) An individual is *exempt* from employment program participation and disqualification if the individual meets the requirements of one of the following paragraphs. The individual is --
 - (A) Working a minimum of 30 hours a week or earning money equal to at least the federal minimum wage multiplied by 30 hours per week multiplied by 4.3 weeks. An individual who is self-employed with allowable costs must meet the earnings threshold after allowing the 50 percent deduction. This includes *migrant and seasonal farm workers* (see OAR 461-001-0015) who are under contract or similar agreement with an employer or crew chief to begin employment within 30 days.
 - (B) An individual with a physical or mental condition that prevents performance of any work.
 - (C) Responsible for the care of a *child* (see OAR 461-001-0000) in the household under 6 years of age or an individual in the household with a *disability* (see OAR 461-001-0015) that substantially reduces or eliminates the individual's ability to care for himself or herself.
 - (D) Providing care for at least 30 hours a week for an individual in another household with a *disability* that substantially reduces or eliminates the individual's ability to care for himself or herself.

- (E) Enrolled at least half-time, as defined by the school, in any high school or equivalent program recognized by a school district or enrolled at least half-time in any school, training program, or institution of higher education. An individual remains *exempt* during normal periods of class attendance, vacation, and recess but no longer qualifies for the student exemption when a break in enrollment occurs due to graduation, suspension or expulsion, or when the student drops out of school or does not enroll in classes for the next regular school term (excluding summer term).
- (F) Receiving REF or TANF program benefits under Title IV of the Social Security Act.
- (G) In receipt of unemployment insurance benefits, has completed an application for unemployment insurance benefits and is waiting for an initial decision on the claim, or is participating in at least one of the following Employment Department training programs:
 - (i) The Trade Readjustment Allowance (TRA) program serving displaced workers under the Trade Act.
 - (ii) The Training Unemployment Insurance (TUI) program.
 - (iii) The Self-Employment Insurance (SEA) program.
 - (iv) The Apprenticeship Program (APT).
- (H) Participating in a drug or alcohol treatment and rehabilitation program.
- (I) Pregnant.
- (J) Chronically homeless. For purposes of this rule, an individual is chronically homeless if the individual is currently *homeless* (see OAR 461-001-0015) and one of the following applies:
 - (i) The individual has been *homeless* for more than six months.
 - (ii) The individual has been *homeless* more than one time in the last 12 months.
 - (iii) The individual states that the individual is unable to meet the basic necessities of everyday life.

~~(K) Lacking adequate dependent care.~~

~~(L) Without adequate transportation available.~~

~~(M) — Experiencing a barrier to employment, such as being homeless or having a short-term physical or mental limitation or a serious family problem.~~

- (b) A *mandatory client* is an individual in the *need group* (see OAR 461-110-0630); who is 16 or 17 years of age and a *primary person* (see OAR 461-001-0015), or 18 years of age and older and 59 years of age and younger; and who is not *exempt* under subsection (a) of this section.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.816, 412.006, 412.009, 412.014, 412.049
Stats. Implemented: ORS 409.010, 409.750, 411.060, 411.070, 411.816, 411.837, 412.006, 412.009, 412.014, 412.049

Requirements for Mandatory Employment Program Clients; Pre-TANF, REF, SNAP, TANF

The following provisions apply to a *mandatory* (see OAR 461-130-0305) client:

- (1) A *mandatory* client selected by the Department to participate in an employment program of the Pre-TANF, REF, SNAP, or TANF program must do all of the following:
 - (a) Accept a bona fide offer of employment, whether temporary, permanent, full-time, part-time, or seasonal.
 - (b) Schedule and keep required employment-related appointments and interviews.
 - (c) Notify the Department's case manager or the JOBS contractor of the reason for not keeping employment-related appointments and interviews, not attending scheduled classes and activities, or not completing case management activities. Notification must be made within three working days from the date of a missed appointment, interview, class, or activity.
 - (d) Provide the Department, in the manner the Department requires, with verifiable documentation of JOBS participation hours, including paid work, job search, and educational participation hours.
 - (e) In the REF and TANF programs, complete all *activities* (see OAR 461-001-0025) specified on the *case plan* (see OAR 461-001-0025).
 - (f) In the SNAP program:
 - ~~(A) Complete all work activities and components specified on the *case plan* (see OAR 461-001-0020).~~
 - (BA) Maintain employment:
 - (i) A client meeting the requirements of subparagraph (iii) of this paragraph fails to maintain employment when the criteria in at least one of the following sub-subparagraphs is met:
 - (I) Voluntarily leaving a job 30 days or less prior to the ~~date of application filing date~~ (see OAR 461-115-0040) for SNAP benefits as provided in OAR 461-135-0521 or at any time thereafter;
 - (II) Being dismissed for striking while a federal, state, or county employee; or
 - (III) Reducing hours of work to less than 30 each week as defined in OAR 461-135-0521.

- (ii) The following changes in employment status do not constitute failure to maintain employment:
 - (I) An employer reduces a client's hours of work;
 - (II) An employer fires a client from a job;
 - (III) A client terminates a self-employment enterprise; and
 - (IV) A client resigns from a job at the demand of the employer.
 - (iii) Subparagraph (i) of this paragraph applies only if the client meets at least one of the following requirements. The client --
 - (I) Is required to register for work;
 - (II) Is *exempt* from participating in the employment program due to employment under OAR 461-130-0310(3)(a)(A);
 - (III) Had a job that averaged not less than 30 hours each week or had provided average weekly earnings not less than the federal minimum wage multiplied by 30 hours, and the client quit the job without good cause (see OAR 461-130-0327); or
 - (IV) Quits working under a JOBS Plus agreement more than twice (see OAR 461-190-0426).
- (B) For an ABAWD subject to the time limit in OAR 461-135-0520, complete all work activities and components specified in the case plan (see OAR 461-001-0020).

- (2) In the Pre-TANF, REF, and TANF programs a *mandatory* client who fails to meet a participation requirement without *good cause* (~~see OAR 461-130-0327~~) is subject to disqualification in accordance with OAR 461-130-0330 only after the re-engagement process under OAR 461-190-0231 has been completed.

Stat. Auth.: ORS 411.060, 411.816, 412.009, 412.049
Stats. Implemented: ORS 411.060, 411.816, 412.009, 412.049

Disqualifications; Pre-TANF, REF, SNAP, TANF

- (1) In the Pre-TANF, REF, SNAP, and TANF programs, the Department may not disqualify from program benefits a client who is a *volunteer* (see OAR 461-130-0305 and 461-130-0310) participant in an employment program.
- (2) In the Pre-TANF and TANF programs, a *mandatory* (see OAR 461-130-0305) ~~client~~ individual who fails to comply with an employment program participation requirement or an exempt (see OAR 461-130-0305 and 461-130-0310) individual who fails to comply with the requirements of OAR 461-135-0085, and does not have *good cause* (see OAR 461-130-0327) for the failure to comply is subject to disqualification under this rule only after ~~the requirements of all of the following subsections are met:~~
 - ~~(a) — The the~~ client has had the opportunity to participate in the re-engagement process under OAR 461-190-0231.
 - ~~(b) — The Department has determined the client is willfully non-compliant and does not have good cause for failing to comply with a requirement of the program.~~
 - ~~(c) — The Department has offered (and the client has refused) or conducted screenings (and assessed if appropriate) for physical or mental health needs, substance abuse, domestic violence (see OAR 461-001-0000), and learning needs.~~
 - ~~(d) — The Department has determined the client has no barriers (see OAR 461-001-0025) or refuses to take appropriate steps to address identified barriers.~~
 - ~~(e) — The Department has determined the client has not met federally required participation rates (see OAR 461-001-0025).~~
 - ~~(f) — The Department has assessed for any risk of harm posed to the children by a reduction in cash assistance.~~
- (3) In the REF program, a *mandatory* client who fails to comply with an employment program participation requirement and does not have *good cause* for failure to comply is subject to disqualification under this rule only after the ~~requirements of all of the following subsections are met:~~
 - ~~(a) — The~~ client has had the opportunity to participate in the re-engagement process under OAR 461-190-0231.
 - ~~(b) — The Department has determined the client is willfully non-compliant and does not have good cause for failing to comply with a requirement of the program.~~
 - ~~(c) — The Department has offered available screenings (and the client has refused) or conducted available screenings (and assessed if appropriate) for physical or mental health needs, substance abuse, domestic violence, and learning needs.~~

~~(d) The Department has determined the client has no barriers or refuses to take appropriate steps to address identified barriers.~~

- (4) In the REF program, the effects of a disqualification are progressive. There are two levels of disqualification:
- (a) At the first level of disqualification, the penalty is the removal of the disqualified client from the *need group* (see OAR 461-110-0630) for three months. If the disqualified client is the only member of the filing group (see OAR 461-110-0310 and 461-110-0430), the assistance is terminated.
 - (b) At the second level, the penalty is the removal of the disqualified client from the *need group* for six months. If the disqualified client is the only member of the filing group, the assistance is terminated.
- (5) In the TANF program, the effects of a JOBS disqualification or a disqualification imposed under OAR 461-135-0085 are progressive. There are four levels of disqualification. Once a disqualification is imposed, it affects benefits according to the following schedule until the disqualification ends in accordance with OAR 461-130-0335:
- (a) At the first level, the penalty is a 25 percent reduction in benefits.
 - (b) At the second level, the penalty is a 50 percent reduction in benefits.
 - (c) At the third level, the penalty is a 75 percent reduction in benefits.
 - (d) At the fourth level, the penalty is a 100 percent reduction in benefits.
 - (e) At the end of the fourth level, program benefits are closed and the filing group (see OAR 461-110-0310 and 461-110-0330) may not receive program benefits for the following two consecutive months.
- (6) In the SNAP program:
- (a) A *mandatory* client not covered under subsection (b) of this section who fails to comply with the requirements of an employment program without *good cause* (see OAR 461-130-0327) is subject to disqualification. A disqualified client is removed from the *need group* until he or she meets the employment program requirements and serves the applicable progressive disqualification under the following subsections:
 - (A) One calendar month for the first failure to comply.
 - (B) Three calendar months for the second failure to comply.
 - (C) Six calendar months for the third and subsequent failures to comply.

- (b) A *mandatory* client who is an ABAWD (see OAR 461-135-0520) residing in Multnomah or Washington County or a *mandatory* client who is served by an office that does not offer OFSET (see OAR 461-190-0310) who fails to comply with the requirement to maintain employment in OAR 461-130-0315(1)(f)(B) is subject to disqualification as provided in subsection (a) of this section. See OAR 461-135-0520 for additional employment participation requirements for ABAWD clients.

- (c) A client who is *exempt* (see OAR 461-130-0305) from participation in the SNAP employment program because he or she is a *mandatory* participant in the JOBS program, receiving unemployment compensation benefits, or has applied for unemployment compensation benefits and is waiting on an initial decision must comply with the requirements of those programs. If the client fails to comply with the requirements of the applicable program the client is disqualified from receiving SNAP benefits, unless he or she can show *good cause* under OAR 461-130-0327.

Stat. Auth.: ORS 411.060, 411.816, 412.009, 412.049

Stats. Implemented: ORS 411.060, 411.816, 411.837, 412.009, 412.049

Removing Disqualifications and Effect on Benefits

- (1) An applicant who would be subject to an employment program disqualification under OAR 461-130-0330 but withdraws the application before benefits are approved is not subject to disqualification.
- (2) In the REF, SNAP, and TANF programs, a filing group (see OAR 461-110-0330, 461-110-0370, and 461-110-0430) is not subject to the impact of a disqualification for a disqualified member who has left the *household group* (see OAR 461-110-0210). If the member joins another filing group, that group is subject to the member's most recent disqualification.
- (3) In the REF program, a disqualification ends when:
 - (a) The Department changes the participation classification of the disqualified individual to *exempt* (see OAR 461-130-0305); or
 - (b) REF program benefits are closed for a reason other than described in OAR 461-130-0330(4).
- (4) In the TANF program, the following subsections apply to an individual disqualified for failure to meet the requirements of an employment program under division 190 of these rules or the requirements of OAR 461-135-0085:
 - (a) At the first, second, third, and fourth level of disqualification, the individual must cooperate for two consecutive weeks with each *activity* (see OAR 461-001-0025) specified in the individual's current or revised *case plan* (see OAR 461-001-0025) before the Department may remove the disqualification. Cash benefits are restored effective the date the individual completes the two consecutive week cooperation period.
 - (b) When the fourth level of disqualification ends, TANF program benefits are closed and the filing group is ineligible for TANF program benefits for two consecutive months, unless the individual contacts a representative of the Department and agrees to each *activity* specified in the individual's current or revised *case plan* before the end of the fourth level. If the individual completes the two consecutive weeks of cooperation, cash benefits are restored effective the date the individual completes the two consecutive week cooperation period.
 - (c) Cash benefits are restored effective the date it is determined, by the Department, there are no appropriate activities or *support services* (see OAR 461-001-0025) necessary to support the *activity* available in order for the individual to demonstrate participation.
- (5) In the TANF program, a disqualification ends when:

- (a) The Department changes the participation classification of the disqualified individual to *exempt* (see OAR 461-130-0305);
 - (b) A *mandatory* (see OAR 461-130-0305) individual in the *need group* (see OAR 461-110-0630) complies with the requirements of the employment program as provided in section (4) of this rule;
 - (c) TANF program benefits are closed for a reason other than described in OAR 461-130-0330(5)(e);
 - (d) The individual is no longer a member of the *household group*; or
 - (e) The individual is unable to participate because there is no appropriate *activity* or *support services* necessary to support the *activity*.
- (6) In the SNAP program:
- (a) The disqualification ends the first day of the month following the month in which information is provided to the Department justifying the change in the individual's participation classification (see OAR 461-130-0310), even if the date falls within the disqualification period provided in OAR 461-130-0330.
 - (b) A *mandatory* individual disqualified under OAR 461-130-0330 for failure to meet the requirements of a SNAP employment program must show compliance with the employment and training program for up to 30 days. The local DHS branch will determine the activities as either work ~~search~~-activities or cooperation with the ~~OFFSET-SNAP Employment and Training~~ contractor.
 - (c) A mandatory ABAWD who is ineligible for exceeding the SNAP time limit may regain eligibility as provided in OAR 461-135-0520.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.816, 412.009, 412.049

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.816, 411.825, 411.837, 412.009, 412.049

Requirement to Attend an Assessment or Evaluation, or Seek Medically Appropriate Treatment for Substance Abuse and Mental Health; Disqualification and Penalties; Pre-TANF, REF, TANF

In the Pre-TANF, REF, and TANF programs:

- (1) For the purposes of this rule:
 - (a) "Assessment for substance abuse" means an assessment performed by an appropriate licensed professional with the purpose of discovering the presence of substance abuse.
 - (b) "Controlled substance" means a drug or its immediate precursor classified in Schedules I through V under the Controlled Substances Act, 21 U.S.C. 811 to 812, as modified under ORS 475.035. The use of the term "precursor" in this subsection does not control and is not controlled by the use of the term "precursor" in ORS 475.840 to 475.980. Alcohol is not a controlled substance.
 - (c) "Self-identified illegal use" means an individual states he or she illegally used a *controlled substance* within the previous 30 days. Illegal use does not include the use of a *controlled substance* pursuant to a valid prescription, or other use authorized by the Uniform Controlled Substances Act, ORS 475.005 to 475.285 and 475.840 to 475.980, the federal Controlled Substances Act, or other Federal law.
- (2) When directed by the Department, an adult member or parenting teen in the *need group* (see OAR 461-110-0630), regardless of participation classification (see OAR 461-130-0310), must participate in:
 - (a) An *assessment for substance abuse* if:
 - (A) The individual has *self-identified illegal use* of a *controlled substance*; and
 - (B) The assessment is available and at no cost to the individual.
 - (b) Medically appropriate treatment for substance abuse if it is available and at no cost to the individual when:
 - (A) The individual reports a qualified and appropriate professional has diagnosed the individual with a substance abuse disorder within the previous twelve months; or
 - (B) An assessment resulted in a diagnosis requiring medically appropriate treatment for the individual to be successful in the workplace.

- (3) When directed by the Department, an adult member or parenting teen in the *need group* (see OAR 461-110-0630), regardless of participation classification (see OAR 461-130-0310), must participate in medically appropriate treatment for mental health if it is available and at no cost to the individual when:
 - (a) The individual reports a qualified and appropriate professional has diagnosed the individual with a mental health disorder within the previous twelve months; or
 - (b) An evaluation resulted in a mental health diagnosis requiring medically appropriate treatment for the individual to be successful in the workplace.
- (4) An individual is responsible for providing information needed by the Department to determine whether the individual had *good cause* (see OAR 461-130-0327) for failing to meet the requirements of this rule. If a medical condition must be evaluated in regard to the requirements of this rule, the Department will assist the client in obtaining a medical opinion from an appropriate medical professional.
- (5) An individual who refuses to participate in a required assessment, evaluation, or the medically appropriate treatment required by this rule is subject to disqualification in accordance with this section and OAR 461-130-0330 only after the individual has had an opportunity to participate in the re-engagement process (see OAR 461-190-0231) including a determination by the Department of whether the individual had *good cause* for non-participation. The penalties are progressive and, once imposed, continue as long as the individual refuses to participate. If there is, regardless of a change in the *exempt participation* classification (see OAR 461-130-0310) of the individual ~~under the JOBS program (see OAR 461-130-0310)~~ the penalty ends and the individual must have an opportunity to participate in the re-engagement process under OAR 461-190-0231 before applying a disqualification.

Stat. Auth.: ORS 411.060, 411.070, 411.816, 412.006, 412.009, 412.049, 412.089

Stats. Implemented: ORS 411.060, 411.070, 411.816, 412.006, 412.009, 412.049, 412.089

461-135-0200

~~Eff. 3-1-08~~

Eff. 10-1-16

Multiple Disqualifications, ~~Change in JOBS Status~~; TANF

- (1) This rule describes the method for calculating the net TANF benefit when a client's benefits are affected by the penalty provided in division 130 of this chapter of rules for failure to comply with the requirements of a *case plan* (see OAR 461-001-0025) or the penalty provided by OAR 461-135-0085 and, during the same month, by a concurrent penalty related to child support or a penalty related to recovery from third parties (OAR 461-120-0340 and 461-120-0345 respectively).
- (2) If the concurrent penalty relates to child support, during the first three months that the penalties are both applied, the penalty related to the *case plan* or to OAR 461-135-0085 is applied first, and the concurrent penalty is then applied. During the fourth and successive months, the clients are ineligible for TANF benefits.
- (3) If the concurrent penalty relates to recovery from third parties, during the first three months that the penalties are both applied, only the penalty related to third-party recovery is applied. During the fourth and subsequent months, the penalty related to third-party recovery continues and the *benefit group* (see OAR 461-110-0750) is ineligible for TANF benefits.

~~(4) — A penalty imposed under OAR 461-135-0085 remains in effect when a client becomes mandatory (see OAR 461-130-0310) while serving the penalty.~~

Stat. Auth.: ORS 411.060, ~~418.040, 418.100~~412.006, 412.049

Stats. Implemented: ORS 411.060, ~~418.040, 418.100~~412.006, 412.049

Time Limit and Special Requirements for ABAWD; SNAP

This rule establishes the time limit and special requirements for receipt of SNAP benefits for certain adults.

(1) Unless the context indicates otherwise, the following definitions apply to rules in OAR chapter 461:

- (1a) ~~An a~~ "Able-bodied adult without dependents (ABAWD)" means an individual 18 years of age or over, but under the age of 50, without dependents. For the purpose of this definition, "without dependents" means there is no *child* (see OAR 461-001-0000) under the age of 18 years in the filing group (see OAR 461-110-0310 and 461-110-0370).
- (b) "Time limit counties" means Oregon counties in which the limitation on eligibility (see OAR 461-001-0000) for SNAP benefits for ABAWD in section 6(o)(2) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)(2)) applies. "Time limit counties" are Multnomah and Washington counties.
- (c) "Time limit exempt counties" means Oregon counties in which the limitation on eligibility for SNAP benefits contained in section 6(o)(2) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)(2)) does not apply per a waiver approved by the United States Department of Agriculture. "Exempt counties" are Baker, Benton, Clackamas, Clatsop, Columbia, Coos, Crook, Curry, Deschutes, Douglas, Gilliam, Grant, Harney, Hood River, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Malheur, Marion, Marrow, Polk, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, Wheeler, and Yamhill counties.
- (2) Except as provided otherwise in this rule, an ABAWD who resides in ~~Multnomah or Washington County~~ one of the time limit counties (see section (1) of this rule) is ineligible to receive food benefits as a member of any household after the individual received food benefits for three *countable months* (see section (3) of this rule) during January 1, 2016 to December 31, 2018.
- (3) "Countable months" means months within the 36-month period of January 1, 2016 to December 31, 2018 in which an individual as a member of any household receives SNAP benefits in Oregon or in any other state, unless at least one of the following applies:
- (a) The individual resided for any part of the month in ~~a county identified in a waiver approved by United States Department of Agriculture on the limitation on eligibility for SNAP benefits contained in section 6(o)(2) of the Food and Nutrition Act of 2008 (7 U.S.C. 2015(o)(2))~~. Under the waiver, the time limit in section (2) of this rule does not apply to residents of the following counties: ~~Baker, Benton, Clackamas, Clatsop, Columbia, Coos, Crook, Curry, Deschutes, Douglas, Gilliam, Grant, Harney, Hood River, Jackson, Jefferson, Josephine,~~

~~Klamath, Lake, Lane, Lincoln, Linn, Malheur, Marion, Marrow, Polk, Sherman, Tillamook, Umatilla, Union, Wallowa, Wasco, Wheeler, and Yamhill~~ one of the time limit exempt counties (see section (1) of this rule).

- (b) Benefits were prorated for the month.
 - (c) The individual was *exempt* (see OAR 461-130-0305) for any part of the month under OAR 461-130-0310(3)(a)~~(A) to (J)~~.
 - (d) The individual participated in one or more of the activities in paragraphs (A) to (D) of this subsection for 20 hours per week averaged monthly. For purposes of this rule, 20 hours per week averaged monthly means 80 hours per month. (Activities may be combined in one month to meet the 20 hours per week averaged monthly requirement.)
 - (A) Work for pay, in exchange for goods or services, or as a volunteer.
 - (i) Work in exchange for goods and services includes bartering and in-kind work.
 - (ii) Voluntary work hours must be verified by the employer.
 - (ii) For self-employed individuals, countable income after deducting the costs of producing income must average at least the federal minimum wage times 20 hours per week.
 - (B) Participate in a program under the Workforce Investment Act of 1998, Pub. L. No. 105-220, 112 Stat. 936 (1998).
 - (C) Participate in a program under section 236 of the Trade Act of 1974, Pub. L. 93-618, 88 Stat. 2023, (1975) (19 U.S.C. 2296).
 - (D) Comply with the employment and training requirements described in OAR 461-001-0020, 461-130-0305, and 461-130-0315. Work search activities must be combined with other work-related activities to equal 20 hours per week and may not exceed 9 hours per week.
 - (e) The individual complied with the Workfare requirements in OAR 461-190-0500.
- (4) An ABAWD must submit evidence to the Department on the issue of whether a month is countable within 90 days following the last day of the month in question.
 - (5) An ABAWD who is ineligible under section (2) of this rule but otherwise eligible may regain *eligibility* if the requirements of subsections (a) or (b) of this section are met.

- (a) The individual becomes *exempt* under OAR 461-130-0310(3)(a)~~(A) to (J)~~. *Eligibility* regained under this subsection begins on the date the individual files a new application and continues as long as the individual is *exempt* and is otherwise eligible. If not eligible on the *filing date* (see OAR 461-115-0040), *eligibility* begins the date all other *eligibility* requirements are met.
 - (b) The individual, during a consecutive 30-day period during which the individual is ineligible, meets the requirements of subsection (3)(d) or (3)(e) of this rule.
 - (A) *Eligibility* regained under this subsection begins on the date the individual files a new application and continues as long as the individual meets the requirements of subsection (3)(d) or (3)(e) of this rule and is otherwise eligible. If not eligible on the *filing date*, *eligibility* begins the date all other *eligibility* requirements are met.
 - (B) There is no limit to how many times an individual may regain *eligibility* under this subsection during January 1, 2016 to December 31, 2018.
 - (c) See OAR 461-180-0010 to add an individual to an open SNAP case after the individual has regained *eligibility* under this section.
- (6) An individual who regains *eligibility* under section (5) of this rule and later fails to comply with the participation requirements of subsection (3)(d) or (3)(e) of this rule may receive a second set of food benefits for three consecutive *countable months*. The *countable months* are determined as follows:
- (a) If the individual stopped participation in a work program, *countable months* start when the Department notifies the individual he or she is no longer meeting the work requirement.
 - (b) If the individual stopped participation in a work program, *countable months* start when the individual notifies the Department he or she is no longer meeting the work requirement.
 - (c) If a change occurred which results in an individual becoming subject to the time limit in section (2) of this rule and the change was required to be reported under rules in OAR chapter 461, division 170, the *countable months* start when the change occurred.
 - (d) If a change occurred which results in an individual becoming subject to the time limit and the change was not required to be reported under rules in OAR chapter 461, division 170, *countable months* start when the Department notifies the individual he or she must meet the work requirement.

- (e) An individual may only receive benefits without meeting the requirements of subsection (3)(d) or (3)(e) of this rule for a total of six *countable months* during January 1, 2016 to December 31, 2018.
- (7) This section is a placeholder to establish criteria the Department will use to grant exemptions to ABAWD who are ineligible if the Department receives special exemptions from the Food and Nutrition Service.
- (8) An ABAWD involved in the activities specified in subsection (3)(d) or (3)(e) of this rule or an activity listed in the individual's *case plan* (see OAR 461-001-0020) is eligible for support service payments necessary for transportation or other costs related to completing the activity as allowed by OAR 461-190-0360.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.121, 411.816

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.121, 411.816, 411.825, 411.837

Specific Requirements; Repatriate Program

- ~~(1) To be eligible for the Repatriate Program, a person must meet all of the following criteria:~~
- ~~(a) Be a United States citizen or the dependent of a United States citizen. Dependents include spouse, parents, unmarried minor children, and unmarried adult children with disabilities.~~
 - ~~(b) Be identified by the Department of State as having returned from a foreign country because of destitution, illness (including mental illness), war, threat of war, invasion, or a similar crisis.~~
 - ~~(c) Be without immediately available resources adequate to meet his or her needs.~~
 - ~~(d) Certification by the United States Department of State as eligible for repatriation services.~~
- ~~(2) An eligible repatriate may receive aid under the Repatriate Program for up to 90 days from the date of arrival in the United States, unless approval for an extension has been granted through the United States Department of State, Office of International Social Services.~~
- ~~(a) For the first 30 days, there is a one-time payment of up to \$560 per person depending on need.~~
 - ~~(b) After the first 30 days, the type and amount of assistance is provided according to the TANF standard.~~
- ~~(3) An individual who has received Repatriate benefits is required to repay all of the cost to the federal government unless the individual has a certificate from International Social Services (ISS-USA) that the individual has been determined mentally incompetent. Any claim the repatriate has against any individual, trust, estate, partnership, corporation, or government must be assigned to the federal government toward repayment.~~
- (1) For purposes of this rule, "repatriate" means a US citizen who has returned, or been brought back to the US because of destitution, illness (including mental illness), war, threat of war, invasion, or a similar crisis.
- (2) To be eligible for the Department's repatriation services, an individual must be identified by the Department of State's International Social Services office as a *repatriate* needing assistance.
- (3) A *repatriate* may receive monthly loan assistance equal to the monthly TANF standard for the equivalent case size (see OAR 461-155-0030) for a duration of time determined

by the federal agency. A Repayment Agreement must be signed prior to the first payment.

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.060

Income and Payment Standards; REF, TANF

- (1) In the REF and TANF programs, the standards in this rule are applied to determine *eligibility* (see OAR 461-001-0000) and benefit amount as provided in OAR 461-160-0100.
- (2) The Countable Income Limit Standards in this section apply to all individuals applying for or receiving REF or TANF benefits who are not eligible for the Exit Limit Increase (ELI) Standards in section (3) of this rule.
- (a) For each *need group* (see OAR 461-110-0630) containing an adult, the following table is used:

<u>No. in Need Group</u>	<u>Amount</u>
1	\$ 345
2	499
3	616
4	795
5	932
6	1,060
7	1,206
8	1,346
9	1,450
10	1,622
Each additional individual	172

- (b) For each *need group* containing no adult, the following table is used:

<u>No. in Household</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10+</u>	<u>No. in Benefit Group</u>
	\$249	\$205	\$198	\$186	\$176	\$172	\$168	\$161	\$162	1
		410	396	372	352	344	336	322	324	2
			594	558	528	516	504	483	486	3
				744	704	688	672	644	648	4
					880	860	840	805	810	5
						1,032	1,008	966	972	6
							1,176	1,127	1,134	7
								1,288	1,296	8
									1,458	9

(c) In the TANF program, a *caretaker relative* (see OAR 461-001-0000) other than a *parent* (see OAR 461-001-0000) who chooses not to be included in the *need group* is subject to the "non-needy caretaker relative countable income limit standard" for the filing group which is set at 185 percent of the federal poverty level (see OAR 461-155-0180).

(3) The ELI Standards in this section apply to an open ~~REF or~~ TANF *benefit group* with income (must include earned income) above the standards in section (2) of this rule or upon restoring benefits to a ~~REF or~~ TANF *benefit group* after closure due to earned income over the standards in section (2) or (3) of this rule within the previous 30 days.

(a) For each *need group* containing an adult, the following table is used:

<u>No. in Need Group</u>	<u>Amount</u>
1	\$678
2	864
3	1,012
4	1,242
5	1,442
6	1,666
7	1,846
8	2,060
9	2,186
10	2,408
Each additional individual	+220

(b) For each *need group* containing no adult, the following table is used:

No. in Household	2	3	4	5	6	7	8	9	10+	No. in Benefit Group
	\$456	\$360	\$334	\$312	\$300	\$286	\$280	\$266	\$264	1
		696	644	600	576	548	536	508	504	2
			954	888	852	810	792	750	744	3
				1,176	1,128	1,072	1,048	992	984	4
					1,404	1,334	1,304	1,234	1,224	5
						1,596	1,560	1,476	1,464	6
							1,816	1,718	1,704	7
								1,960	1,944	8
									2,184	9

(4) The Adjusted Income Limit Standards in this section apply to all individuals applying for or receiving REF or TANF benefits who are not eligible for the ELI Standards in section (3) of this rule.

(a) For each *need group* containing an adult, the following table is used:

<u>No. in Need Group</u>	<u>Amount</u>
1	\$ 326
2	416
3	485
4	595
5	695
6	796
7	886
8	976
9	1,039
10	1,150
Each additional individual	110

(b) For each *need group* containing no adult, the following table is used:

<u>No. in Household</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10+</u>	<u>No. in Benefit Group</u>
	\$220	\$173	\$160	\$151	\$144	\$138	\$134	\$127	\$127	1
		334	308	290	276	264	256	242	242	2
			456	429	408	390	378	357	357	3
				568	540	516	500	472	472	4
					672	642	622	587	587	5
						768	744	702	702	6
							866	817	817	7
								932	932	8
									1,047	9

(5) The Payment Standards in this section are used to calculate benefit amounts for individuals receiving REF or TANF benefits.

(a) For each *benefit group* containing an adult, the following table is used:

<u>No. in Benefit Group</u>	<u>Amount</u>
1	\$ 339
2	432
3	506
4	621
5	721
6	833
7	923
8	1,030
9	1,093
10	1,204

Each additional individual 110

(b) For each *benefit group* containing no adult, the following table is used:

No. in Household	2	3	4	5	6	7	8	9	10+	No. in Benefit Group
	\$228	\$180	\$167	\$156	\$150	\$143	\$140	\$133	\$132	1
		348	322	300	288	274	268	254	252	2
			477	444	426	405	396	375	372	3
				588	564	536	524	496	492	4
					702	667	652	617	612	5
						798	780	738	732	6
							908	859	852	7
								980	972	8
									1,092	9

Stat. Auth.: ORS 409.050, 411.060, 411.070, 412.006, 412.049, 412.124

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 412.006, 412.049, 412.124

Income and Payment Standards; SNAP

- (1) The monthly SNAP Countable and Adjusted Income Limits are as follows:

Need Group Size	Countable Income Limit	Adjusted Income Limit
1	\$1,2761,287	\$ 981990
2	1,7261,736	1,3281,335
3	2,1772,184	1,6751,680
4	2,6282,633	2,0242,025
5	3,0783,081	2,3682,370
6	3,5293,530	2,715
7	3,980	3,061
8	4,430	3,408
Each additional individual	451	347

- (2) The SNAP Payment Standard (Thrifty Food Plan) is:

SNAP Payment Standard (TFP)	
No. in Need Group	Monthly Amount
1	\$ 194
2	357
3	511
4	649
5	771
6	925
7	1,022
8	1,169
Each additional individual	146

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.816

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.816, 411.825, 411.837

- (1) This rule explains how to calculate the shelter cost. The shelter cost is used to determine the shelter deduction (see OAR 461-160-0430). The shelter cost is the sum of the filing group's cost of housing plus an allowance for utilities, if the individual incurs a utility cost. The shelter deduction is based on the shelter cost but is subject to a limitation described in OAR 461-160-0430.
- (2) Cost of housing.
 - (a) The following comprise the cost of housing if they are incurred with respect to the filing group's current residence or the home described in section (5) of this rule:
 - (A) Regular, periodic charges for the shelter of the *filing group* (see OAR 461-110-0370), such as rent, mortgage payments, and condominium or association fees. Late fees charged because a mortgage or rent payment was made late are not deductible.
 - (B) Property taxes, state and local assessments, and property insurance on the structure.
 - (C) Costs for repairing a home substantially damaged or destroyed by a natural disaster (such as a fire or flood), if such costs are not reimbursed.
 - (D) If the *filing group* is homeless and living in a vehicle---vehicle payments and collision and comprehensive insurance premiums for the vehicle.
 - (b) If housing costs are billed on a weekly or biweekly basis, the monthly cost is the weekly cost multiplied by 4.3 or the biweekly cost multiplied by 2.15.
 - (c) The *filing group* has the following choices about housing costs:
 - (A) The group may choose to apply the cost in the month it is billed or becomes due.
 - (B) The group may choose to have periodic costs averaged.
 - (C) For expenses that are billed less often than monthly, the group may choose to have them averaged over the period they are intended to cover.
- (3) Shared housing. If the *filing group* shares housing costs with an individual in the dwelling who is not in the *filing group*, only the housing costs incurred by the *filing group* are included in the calculation. If the portion paid by an individual outside the *filing group* cannot be ascertained, the cost is apportioned among the individuals

contributing to the cost. The pro rata share of those not in the *filing group* is deducted from the total, and the balance is considered a housing cost of the *filing group*.

(4) Cost for utilities.

- (a) A *filing group* has a cost for utilities if it incurs a cost for heating or cooling; cooking fuel; electricity; water and sewerage; well installation and maintenance; septic tank system installation and maintenance; garbage and trash collection; service for a telephone, such as basic service fee, wire maintenance, subscriber line charges, relay center surcharges, 911 service, and taxes; or initial installation fees charged by a utility provider.
- (b) If the group incurs no cost for utilities in either its current home or in the home described in section (5) of this rule, then the shelter cost is calculated without an allowance for utilities.
- (c) If a homeless *filing group* uses a vehicle for shelter, the cost of fuel for the vehicle is considered a utility cost.
- (d) If a *filing group* incurs a cost for utilities, then the utility allowance is one of the following:
 - (A) Allowance with heating or cooling. A full standard utility allowance of ~~\$445-449~~ per month is used if the *household group* (see OAR 461-110-0210) is billed for heating or cooling costs for its dwelling. Charges for any fuel and for electricity are considered heating costs if they are used for heating. A *filing group* who receives an energy assistance payment for the dwelling provided through the Low-Income Energy Assistance Act of 1981 is eligible for the utility allowance established by this paragraph (A). This energy assistance payment must be greater than \$20 annually.
 - (B) Allowance without heating or cooling.
 - (i) A limited standard utility allowance of ~~\$327-341~~ per month is used if the *filing group* is not billed for heating or cooling costs but is billed for at least two other costs enumerated in subsection (4)(a) of this rule.
 - (ii) An individual standard utility allowance of ~~\$55-56~~ per month is used if the *filing group* is not billed for heating or cooling costs but is billed for only one of the costs enumerated in subsection (4)(a) of this rule other than the service cost for a telephone, including the related taxes or fees.
 - (iii) A telephone standard utility allowance of ~~\$60-62~~ per month is used if the *filing group* is billed only for telephone service, such as basic

service fee, wire maintenance, subscriber line charges, relay center surcharges, 911 service, and taxes.

- (5) Housing costs for a home not occupied by the filing group. Housing and utility costs with respect to a home not currently occupied may be considered in calculating the shelter cost if--
- (a) The home is temporarily unoccupied because of employment or training away from home, illness, or abandonment caused by casualty or natural disaster;
 - (b) The *filing group* intends to return to the home;
 - (c) No other, current occupant is claiming a deduction for shelter costs in the SNAP program; and
 - (d) The home is not leased during the household's absence.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.816

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.816, 411.825, 411.837

Income Deductions; SNAP

- (1) Deductions from income are subtracted from *countable* (see OAR 461-001-0000) income (see OAR 461-140-0010) in the following order to determine *adjusted income* (see OAR 461-001-0000) for the SNAP program:
 - (a) An earned income deduction of 20 percent of *countable* earned income. The 20 percent deduction is not taken from the wages funded by grant diversions such as Work Supplementation wages.
 - (b) A standard deduction of:
 - (A) ~~\$155-157~~ per month for a *benefit group* (see OAR 461-110-0750) of one, two, or three individuals.
 - (B) \$168 per month for a *benefit group* of four individuals.
 - (C) \$197 per month for a *benefit group* of five individuals.
 - (D) \$226 per month for a *benefit group* of six or more individuals.
 - (c) A dependent care deduction for dependent care costs billed to a member of the *filing group* (see OAR 461-110-0370) and not paid for through any other program of the Department. For the cost to be deductible under this section, the care must be necessary to enable a member of the *filing group* to--
 - (A) Accept or continue employment;
 - (B) Seek employment, including a job search that meets the requirements of a *case plan* (see OAR 461-001-0020); or
 - (C) Attend vocational or educational training. A student receiving educational income is entitled to a deduction only for costs not excluded from educational income by OAR 461-145-0150.
 - (d) The medical deduction for *elderly* (see OAR 461-001-0015) individuals and individuals who have a *disability* (see OAR 461-001-0015) in the *filing group*. The deduction is calculated by determining the total of their deductible medical costs (see OAR 461-160-0415) and subtracting \$35. The remainder is the medical deduction.
 - (e) A deduction for child support payments (including cash medical support) a member of the *filing group* makes under a legal obligation to a *child* (see OAR 461-001-0000) not a member of the *filing group*, including payments for the current month and for payments on arrearages. Child support is not deductible if

collected by setoff through the Oregon Department of Revenue or by interception of a federal tax refund.

(f) A shelter deduction, calculated as follows:

(A) For SNAP *filing group* members required to pay room and board in a *nonstandard living arrangement* (see OAR 461-001-0000), the shelter deduction is--

(i) The cost of room and board, minus the payment standard for the *benefit group*; or

(ii) The actual room cost, if the individual can prove that the room cost exceeds the cost described in subparagraph (i) of this paragraph.

(B) For all other *filing group* members, the shelter deduction is calculated as follows:

(i) The standard deduction and the deductions of earned income, dependent care, court-ordered child support, and medical expenses are subtracted from *countable* income. Fifty percent of the remainder is subtracted from the shelter cost calculated in accordance with OAR 461-160-0420.

(ii) The rounded balance is the deduction, except the deduction is limited if the *filing group* has no member who has a *disability* or is *elderly*. The limit is \$~~490~~517 per month.

(2) If a *filing group* member cannot verify a medical or court-ordered child-support expense or cannot verify any other expense when asked to do so, the unverified expense is not used to calculate the deduction. If the individual provides verification, the deduction is applied when calculating the next month's benefits. If verification is provided within the period authorized for processing applications (see OAR 461-115-0210), the benefits for the *initial month* (see OAR 461-001-0000) are recalculated using the deduction.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.816

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.816, 411.825, 411.837

Changes That Must Be Reported

- (1) A change in employment status is considered to occur as follows:
 - (a) For a new job, the change occurs the first day of the new job.
 - (b) For a job separation, the change occurs on the last day of employment.
- (2) A change in source of income is considered to occur as follows:
 - (a) For earned income, the change occurs upon the receipt by the individual of the first paycheck from a new job or the first paycheck reflecting a new rate of pay.
 - (b) For unearned income, the change occurs the day the individual receives the new or changed payment.
- (3) An individual must report, orally or in writing, the following changes:
 - (a) In the ERDC program, an individual must report the following changes within 10 days of occurrence:
 - (A) A change in child care provider.
 - (B) A change in employment status.
 - (C) A change in mailing address or residence.
 - (D) A change in membership of the filing group (see OAR 461-110-0350).
 - (E) A member of the filing group is discharged from the U.S. military and returning from active duty in a military war zone.
 - (F) A change in income above the ERDC income limit as defined in OAR 461-155-0150(5)(b) that is expected to continue.
 - (b) In the SNAP program:
 - (A) An ABAWD (see OAR 461-135-0520) assigned to CRS or SRS who resides in Multnomah or Washington County and is employed must report a change in work hours when work hours are below 20 hours per week.
 - (B) An individual assigned to CRS must report any of the following changes within 10 days of occurrence:
 - (i) A change in earned income of more than \$100.

- (ii) A change in unearned income of more than \$50.
 - (iii) A change in source of income.
 - (iv) A change in membership of the filing group (see OAR 461-110-0370) and any resulting change in income.
 - (v) A change in residence and the shelter costs in the new residence.
 - (vi) A change in the legal obligation to pay child support.
 - (vii) When the sum of cash on hand, stocks, bond, and money in a bank or savings institution account reaches or exceeds program resource limits.
 - (viii) Acquisition or change in ownership of a non-excluded vehicle.
- (C) An individual assigned to SRS must report when the monthly income of the filing group exceeds the SNAP *countable* (see OAR 461-001-0000) income limit by the tenth day of the month following the month of occurrence.
- (D) An individual assigned to TBA is not required to report any changes.
- (c) For Employment Payments (see OAR 461-135-1270) and JPI (see OAR 461-135-1260), an individual must follow the same reporting requirements as a SNAP client assigned to CRS, SRS, or TBA reporting systems (see OAR 461-170-0010).
- (d) In the GA, OSIP, OSIPM, and QMB programs, an individual must report all changes that may affect *eligibility* (see OAR 461-001-0000) within 10 days of occurrence, including any of the following changes:
- (A) A change in employment status.
 - (B) A change in health care coverage.
 - (C) A change in membership of the *household group* (see OAR 461-110-0210).
 - (D) A change in marital status.
 - (E) A change in residence.
 - (F) Except for QMB-BAS, QMB-SMB, and QMB-SMF, a change in resources.
 - (G) A change in source or amount of income.

- (e) In the REF, SFPSS, and TANF programs, an individual assigned to CRS must report any of the following changes within 10 days of occurrence:
 - (A) Acquisition or change in ownership of a non-excluded vehicle.
 - (B) A change in earned income more than \$100.
 - (C) Employment separation.
 - (D) A change in membership of the *household group* (see OAR 461-110-0210).
 - (E) A change in marital status or other changes in membership of the filing group.
 - (F) A change in mailing address or residence.
 - (G) A change in pregnancy status of any member of the filing group.
 - (H) A change in source of income.
 - (I) A change in unearned income more than \$50.
 - (J) A change in who pays the shelter costs if the costs will be paid by a non-custodial *parent*.
 - (K) Sale or receipt of a resource that causes total resources to exceed program resource limits.

- (f) In the REFM program, an individual must report the following changes within 10 days of occurrence:
 - (A) A change in membership of the *household group* (see OAR 461-110-0210).
 - (B) A change in residence.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049, 413.085, 414.685

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.081, 411.404, 411.704, 411.706, 411.816, 411.825, 411.837, 412.014, 412.049, 413.085, 414.685, 414.826

Notice Situation; Disqualification

- (1) If a *benefit group* (see OAR 461-110-0750) or individual is disqualified for a SNAP voluntary job quit or for failure to apply for or provide an SSN, pursue assets, cooperate in the JOBS, JOBS Plus, or ~~OFSET~~a SNAP Employment and Training program, or assist the state's efforts to collect support, the Department sends the following type of notice:
 - (a) If benefits are reduced or closed because of the disqualification:
 - (A) A *continuing benefit decision notice* (see OAR 461-001-0000) is used when changes are reported on the Interim Change Report form.
 - (B) A *timely continuing benefit decision notice* (see OAR 461-001-0000) is used when changes are not reported on the Interim Change Report form.
 - (b) If benefits are opened without the disqualified individual in the *benefit group* or if the entire *benefit group* is denied assistance, a *basic decision notice* (see OAR 461-001-0000) is used.
- (2) For a JOBS, JOBS Plus, or ~~OFSET~~a SNAP Employment and Training disqualification, and for a SNAP voluntary job quit by an individual receiving SNAP benefits, the notice includes the following information:
 - (a) The client action that resulted in disqualification.
 - (b) The length of the minimum disqualification period.
 - (c) The reduced benefit amount.
 - (d) How the client may end the disqualification after the minimum period.
- (3) For an ABAWD disqualified due to the SNAP time limit in OAR 461-135-0520, the notice includes the following information:
 - (a) The action that resulted in the disqualification.
 - (b) The reduced amount when there are other eligible persons in the filing group.
 - (c) How the individual may regain eligibility for SNAP benefits.
- ~~(3)~~ For a voluntary job quit by an individual applying for SNAP benefits, the notice includes the following information:
 - (a) The action that resulted in the disqualification; and

(b) The length of the disqualification period.

(45) For an IPV disqualification:

(a) In all programs except the SNAP program, the Department does not send a notice of termination to an individual disqualified for an IPV after a court order, a final order from an administrative hearing, or a signed waiver (see OAR 461-175-0200(9)(c)(C) and OAR 461-195-0621(2)) that imposes the disqualification.

(b) In the SNAP program:

(A) After an individual signs an IPV waiver, the Department sends a *basic decision notice* to terminate benefits. If the Department receives a timely request for a hearing, the contested case hearing addresses the issues set out in OAR 461-195-0611(3).

(B) The Department does not send a notice of termination to an individual disqualified for an IPV after a court order or a final order from an administrative hearing.

(c) In all programs, the Department sends a *continuing benefit decision notice* when benefits for other individuals in the *benefit group* are closed or reduced because an individual in the *benefit group* is disqualified for an IPV.

(56) For a disqualification due to being a fleeing felon or in violation of parole, probation, or post-prison supervision (under OAR 461-135-0560):

(a) A *basic decision notice* is required if benefits are opened without the disqualified individual in the *benefit group* or if the entire filing group is denied benefits.

(b) A *timely continuing benefit decision notice* is required if an individual in the *benefit group* is disqualified.

(67) The notice situation for a disqualification due to a transfer of assets is covered in OAR 461-175-0310.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.816, 412.014, 412.049

Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.816, 412.014, 412.049

Limits to SNAP Employment and Training Components and Activities

- (1) ~~The OFSET-SNAP Employment and Training Program for all clients except mandatory ABAWD living in time limit counties (see OAR 461-135-0520):~~
 - ~~(a) In Multnomah and Washington Counties ends effective November 30, 2015.~~
 - ~~(b) In Clackamas County ends effective September 30, 2016.~~
 - ~~(2c) The OSFET Program is not offered to clients served by APD or AAA offices.~~
 - ~~(d) Is voluntary for all other clients effective September 30, 2016.~~
- ~~(3) In the OFSET program:~~
 - ~~(a) The case plan (see OAR 461-001-0020) may not require more than 120 hours of activities each month.~~
 - ~~(b) The client may not be required to participate in only job search (see OAR 461-001-0020) activities for more than eight weeks a year.~~
- (42) For an ABAWD (see OAR 461-135-0520) residing in ~~Multnomah or Washington County~~ one of the time limit counties:
 - (a) The *case plan* may not require more than 20 hours of activities per week.
 - (b) Except for Workforce Innovation and Opportunity Act (WIOA) (see OAR 461-001-0020) and Workfare (see OAR 461-190-0500), a client may not be required to participate in *job search* activities more than nine hours per week. The balance of the 20 hours per week must be in work-related or training (not *job search*) activities.
 - (c) The client may participate in a Workfare program under OAR 461-190-0500.

Stat. Auth.: ORS 411.816

Stats. Implemented: ORS 411.816

Special Payments; SNAP Employment and Training Programs

In the SNAP program:

- (1) The Department may authorize special payments to clients participating in one of the three SNAP Employment and Training programs described in OAR 461-001-0020 for transportation and other costs identified in the client's *case plan* (see OAR 461-001-0020) subject to the provisions of this rule.
 - (a) Costs must be directly related to an approved component in the *case plan* and be reasonable and necessary.
 - (b) The Department must consider lower cost alternatives.
 - (c) The Department may deny, reduce, or close special payments when costs exceed the local district's budget for employment and training.
 - (d) Special payments are not intended to replace other funding available in the community. The Department or the Employment and Training contractor and the client must seek resources reasonably available to the client in order to comply with the requirements in the *case plan*.
 - (e) When this rule authorizes a special payment for transportation, and public transportation is available, the Department may issue bus passes or tickets to the client sufficient to enable the client to participate in the program activities identified in the *case plan*.
- (2) In the 50 percent (50/50) reimbursement program:
 - (a) Funds may be used to pay for tuition and mandatory school fees charged to the general public. Funds may not be used to pay for state or local education entitlements.
 - (b) Special payments for *job retention* (see OAR 461-001-0020) is only available if the individual was participating in a component other than *job retention* prior to securing employment.
- (3) In the OFSET program, the Department may authorize payment of not more than \$80 over the eight week participation period for transportation and other costs identified in the client's *case plan*. If necessary, the *case plan* is adjusted to ensure that OFSET program participation requirements may be fulfilled at no cost to the client.
- (4) In non-waivered counties (see OAR 461-135-0520), the Department may authorize payment of not more than \$100 a month to reimburse an ABAWD for transportation and other costs identified in the client's *case plan*. If necessary, the *case plan* is adjusted to ensure the ABAWD work requirements may be fulfilled at no cost to the client.

Stat. Auth.: ORS 411.816

Stats. Implemented: ORS 411.121, 411.816, 411.825, 411.837

Eligibility Requirements; Refugee Case Services Project (RCSP)

In the RCSP program, to be eligible an applicant must meet the requirements of sections (1) to (6) of this rule, and section (7) if section (7) applies:

- (1) Meet all REF or TANF program *eligibility* (see OAR 461-001-0000) requirements.
- (2) Meet the alien status requirements under OAR 461-120-0125.
- (3) Reside in Clackamas, Multnomah, or Washington County.
- (4) Have resided in the U.S. for eight months or less. The first month is, for an individual meeting the alien status requirements of OAR 461-120-0125 --
 - (a) Subsections ~~(76)~~(a), (c), (d), or (e), the month the individual entered the United States.
 - (b) Subsections ~~(86)~~(b), (f), or (g), the month the individual was granted the individual's immigration status.
 - (c) Subsection ~~(86)~~(h) --
 - (A) If the individual entered the U.S. with special immigrant status, the month the individual entered the United States.
 - (B) If the individual is granted special immigrant status after entering the U.S., the month in which the special immigrant status was granted.
 - (d) Each month in the U.S. is counted as a whole month; there is no prorating of any month.
- (5) Be 64 years old or younger.
- ~~(6) — Not be enrolled as a full-time student or intending to enroll as a full-time student within six months of RCSP program intake.~~
- ~~(67)~~ For a newborn, a *parent* (see OAR 461-001-0000) must provide verification of the child's birth, including the date of birth. The newborn child's U.S. arrival date and eligibility period are the same as those for the child's mother.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.116, 412.006, 412.049

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.116, 412.006, 412.049

461-193-0560

~~Eff. 1-1-11~~

Eff. 10-1-16

Payment Standards; Refugee Case Services Project (RCSP)

THIS RULE IS REPEALED

~~In the RCSP program:~~

~~(1) Except as provided in section (2) of this rule, the cash assistance payment standard amount for a client is the sum total of the TANF payment standard under OAR 461-155-0030(2) plus the Cooperation Incentive under OAR 461-155-0035(2).~~

~~(2) Effective October 1, 2010, the cash assistance payment standard amount for a client is the same as the TANF payment standard under OAR 461-155-0030(2)(b).~~

Stat. Auth.: ORS 409.050, 411.060, 411.070, 412.006, 412.049

Stats. Implemented: ORS 409.010, 411.060, 411.070, 412.006, 412.049