

Secretary of State  
Certificate and Order for Filing  
**TEMPORARY ADMINISTRATIVE RULES**  
A Statement of Need and Justification accompanies this form.

**FILED**  
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I certify that the attached copies are true, full and correct copies of the TEMPORARY Rule(s) adopted on Upon filing, by the  
Department of Human Services, Self-Sufficiency Programs 461  
\_\_\_\_\_  
Agency and Division Administrative Rules Chapter Number  
Kris Skaro (503) 945-6067  
\_\_\_\_\_  
Rules Coordinator Telephone  
500 Summer St. NE, E-48, Salem, OR 97301  
\_\_\_\_\_  
Address  
To become effective 07/01/2015 through 12/27/2015.

**RULE CAPTION**

Amending rule relating to calculating SNAP benefits  
\_\_\_\_\_  
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

**RULEMAKING ACTION**

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

**ADOPT:**

**AMEND:**

461-160-0410

**SUSPEND:**

**Statutory Authority:**

OAR 409.050, 411.060, 411.070, 411.816

**Other Authority:**

None.

**Statutes Implemented:**

ORS 409.010, 409.050, 411.060, 411.070, 411.816, 411.837

**RULE SUMMARY**

OAR 461-160-0410 about use of income and income deductions in the Supplemental Nutrition Assistance Program (SNAP) when there are ineligible or disqualified members in the filing group is being amended to comply with federal guidance to the Department regarding calculating the income for noncitizens receiving Temporary Assistance for Needy Families (TANF) benefits. The current rule requires the TANF benefit amount to be prorated and only counted for the eligible filing group members. The amendment removes this requirement and will result in the full TANF benefit amount being used to calculate benefits for the household.

Kris Skaro

Rules Coordinator Name

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Secretary of State  
**STATEMENT OF NEED AND JUSTIFICATION**  
A Certificate and Order for Filing Temporary Administrative Rules  
accompanies this form

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

461  
Administrative Rules Chapter Number

Amending rule relating to calculating SNAP benefits

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

Amending OAR 461-160-0410

**Statutory Authority:**

OAR 409.050, 411.060, 411.070, 411.816

**Other Authority:**

None.

**Statutes Implemented:**

ORS 409.010, 409.050, 411.060, 411.070, 411.816, 411.837

**Need for the Temporary Rule(s):**

OAR 461-160-0410 needs to be amended because a federal quality control review discovered an error in Oregon's interpretation of prorating TANF benefits when a noncitizen is included in the household. The amendment will comply with federal guidance to the Department by removing all references to prorating the TANF benefit amount.

**Documents Relied Upon, and where they are available:**

None.

**Justification of Temporary Rule(s):**

The Department finds that failure to act promptly to amend OAR 461-160-0410 will result in serious prejudice to the public interest, the Department, and SNAP applicants and recipients. Failure to change this rule immediately to comply with federal guidance may cause overpayments to clients and result in quality control payment errors for the SNAP program.

Kris Skaro

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Printed Name

Email Address

Use of Income and Income Deductions When There Are Ineligible or Disqualified Group Members; SNAP

When a member of the *filing group* (see OAR 461-110-0370) is not in the *need group* (see OAR 461-110-0630), benefits in the SNAP program are calculated as follows:

- (1) If the member is a *qualified non-citizen* (see OAR 461-120-0125(1)(a)-(g)) who does not meet the alien status requirements, the following procedure is used:
  - (a) Benefits are calculated as if the *qualified non-citizen* is eligible, ~~except that a TANF grant received by the filing group is prorated among the members of the group. A pro-rata share is counted for each filing group member who meets the citizenship or alien status requirements.~~
  - ~~(b)~~ Benefits are then calculated as if the *qualified non-citizen* is not a member of the *filing group*, ~~except that a TANF grant received by the filing group is prorated per section (3) of this rule.~~ Any income received by another member of the *filing group* from the *qualified non-citizen* is counted as income of the *filing group*. No expenses paid by the *qualified non-citizen* are deducted from gross income.
  - ~~(e)~~ The household's benefits are the lesser of the amounts calculated in subsections subsection (a) and (b) of this section.
- (2) The process described in sections (3) and (4) of this rule is used if the member is:
  - (a) A non-citizen but not a *qualified non-citizen*;
  - (b) Disqualified for failing to obtain or provide a Social Security Number; or
  - (c) Unwilling to disclose alien status.
- (3) If the member is in a group described in section (2) of this rule:
  - (a) The member's *countable* (see OAR 461-001-0000) income is prorated among the members in the *filing group*.
  - (b) The pro rata share of each individual not in the *benefit group* (see OAR 461-110-0750) is excluded.
  - (c) The rest of the prorated income is *countable* income for the *filing group*.
- (4) An ineligible or disqualified member covered by section (2) of this rule is entitled to all income deductions for which the member qualifies. When paid by the member, or billed to the member and unpaid, deductions for shelter, child support, medical costs, and dependent care are calculated as follows:

- (a) The deductions, except deductions for the utility standard, are prorated among the members of the *filing group*.
  - (b) The prorated share of the members of the *benefit group* is deducted.
  - (c) The deduction for the utility standard is made in accordance with OAR 461-160-0420.
- (5) The *countable* income of the following *financial group* (see OAR 461-110-0530) members, subject to allowable deductions, is used to determine benefits:
- (a) A client disqualified for failure to comply with the requirements of the OFSET program or because of an intentional program violation.
  - (b) A client:
    - (A) Fleeing to avoid prosecution, or custody or confinement after conviction, under the law of the place from which the client is fleeing, for a crime, or attempt to commit a crime, that is a felony under the law of the place from which the client is fleeing or that, in the case of New Jersey, is a high misdemeanor under the law of New Jersey; or
    - (B) Violating a condition of probation or parole imposed under a federal or state law.

Stat. Auth.: ORS [409.050](#), [411.060](#), [411.070](#), 411.816

Stats. Implemented: ORS [409.010](#), [409.050](#), [411.060](#), [411.070](#), 411.816, [411.837](#)