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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

Agency and Division

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To become effective 10/01/2015 through 03/28/2016.

461

Administrative Rules Chapter Number

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RULE CAPTION

Changing notice requirements for JPI (Job Participation Incentive) 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:

461-170-0103, 461-175-0200

SUSPEND:

Statutory Authority:

ORS 409.050, 411.060, 411.070, 412.006, 412.009, 412.014, 412.049

Other Authority:

None.

Statutes Implemented:

ORS 409.010, 411.060, 411.070, 412.001, 412.006, 412.009, 412.014, 412.049, 412.124

RULE SUMMARY

OAR 461-170-0103 about actions resulting from changes in household circumstances and OAR 461-175-0200 about notice situations are being amended to allow JPI (Job Participation Incentive) payments to be closed with a basic notice (instead of a 10-days advance notice with a right to continuing benefits) when a client reports a change, as long as the change does not reduce SNAP benefits. (This amendment only applies when net benefits are either unchanged or increased.) The JPI program is a \$10 monthly food benefit.

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STATEMENT OF NEED AND JUSTIFICATION
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Department of Human Services, Self-Sufficiency Programs
Agency and Division

461
Administrative Rules Chapter Number

Changing notice requirements for JPI (Job Participation Incentive) benefits

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

In the Matter of:

Temporary amendment of OAR 461-170-0103 and 461-175-0200

Statutory Authority:

ORS 409.050, 411.060, 411.070, 412.006, 412.009, 412.014, 412.049

Other Authority:

None.

Statutes Implemented:

ORS 409.010, 411.060, 411.070, 412.001, 412.006, 412.009, 412.014, 412.049, 412.124

Need for the Temporary Rule(s):

These rules need to be amended because currently, when a client reports a change that results in an increased SNAP benefit, the Department is unable to remove the JPI coding from the case until a timely notice is sent to end JPI benefits. As long as the JPI coding exists, the earned income cannot be removed, thus delaying issuance of the increased SNAP benefit. The amendment allows the income to be removed upon notification which allows the Department to prepare the next month's increased SNAP benefits. This will minimize workload, decrease staff errors, and ensure timely issuance of SNAP benefits.

Documents Relied Upon, and where they are available:

None.

Justification of Temporary Rule(s):

The Department finds that failure to act promptly by amending OAR 461-170-0103 and 461-175-0200 will result in serious prejudice to the public interest, the Department, and clients who report changes that make them eligible for increased SNAP benefits. The Department needs to proceed by temporary rule because the public, the Department, and clients eligible for increased SNAP benefits will immediately benefit because the amendments will allow the Department to update their income upon notification and prepare to issue the increased SNAP benefits without waiting for timely notice to be sent. This ensures clients receive their benefits timely and reduces workload and errors for Department staff.

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461-170-0103

~~Eff. 10-1-15~~

Temp. Eff. 10-1-15 through 3-28-16

Actions Resulting From Changes in Household Circumstances; Simplified Reporting System (SRS); SNAP, JPI

In the SNAP program and JPI, benefits may be changed for an individual using SRS -- based on information obtained other than through the Interim Change Report -- only as follows:

- (1) The benefit level is increased if the information demonstrates the individual is eligible for greater benefits.
- (2) The benefits are closed or reduced if any of the following subsections apply:
 - (a) The household requests a closure of benefits.
 - (b) The action is based on information that is *verified upon receipt*. Information is considered *verified upon receipt* if--
 - (A) It is not questionable and the individual making the report has first-hand knowledge of the information reported; or
 - (B) Verification is provided with the reported change in accordance with OAR 461-115-0651.
 - (c) The individual reports information that results in loss of *eligibility* (see OAR 461-001-0000).
 - (d) The individual reports *financial group* (see OAR 461-110-0530) income exceeding the SNAP program *countable* (see OAR 461-001-0000) income limit.
- (3) The Department acts on information reported through computer matches when the Interim Change Report is processed, when the individual is recertified, or when the monthly match with the Department of Corrections indicates a member is incarcerated.

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

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.081, 411.816, 411.825, 411.837

Notice Situations; General Information

- (1) In the EA program, a *basic decision notice* (see OAR 461-001-0000) is sent for all situations.
- (2) In the SNAP program, a *basic decision notice* is sent for all actions on applications for assistance.
- (3) In the JOBS program:
 - (a) A *basic decision notice* is sent whenever a request for a support service payment is denied.
 - (b) No decision notice is required if request for a support service is approved.
- (4) A *basic decision notice* is sent to close JPI benefits when the filing group (see OAR 461-110-0310) reports a change during the reporting period in which SNAP benefits do not decrease.
- (45) In the TANF program, a notice approving benefits informs the client, within one month following eligibility determination, of the opportunity to volunteer for JOBS participation and of the procedure for JOBS program entry.
- (56) In the Pre-TANF program, a *basic decision notice* is sent when payment for basic living expenses is denied or when payment for other support services in the JOBS program is denied. No other notices are required for this program.
- (67) In the TA-DVS program, a *basic decision notice* (see OAR 461-001-0000) is sent to a safe mailing address or hand delivered for all situations. This includes when the program is approved, denied, or closed (prior to the end of the 90 day eligibility period) and when a payment under the program is denied.
- (78) In all programs except the Pre-TANF program, unless stated differently in this rule or another rule, the Department mails or otherwise provides the client with (sends) a *decision notice* (see OAR 461-001-0000) as follows:
 - (a) A *basic decision notice* is sent whenever an application for assistance, including retroactive medical assistance, is approved or denied or a request for a support service payment in the JOBS program is denied.
 - (b) A *timely continuing benefit decision notice* (see OAR 461-001-0000) is sent whenever benefits or support service payments authorized by OAR 461-190-0211 are reduced or closed, or the method of payment changes to protective, vendor, or two-party.
 - (c) A *decision notice* is sent whenever the Department adjusts previously underissued cash assistance or SNAP benefits.

(89) In all programs:

- (a) Notwithstanding any rule in Chapter 461, to the extent permitted by OAR 137-003-0530, the Department may take any of the following actions:
 - (A) Amend a *decision notice* with another *decision notice* or a contested case notice.
 - (B) Amend a contested case notice.
 - (C) Delay a reduction or closure of benefits as a result of a client's request for hearing.
 - (D) Extend the effective date on a *decision notice* or contested case notice.
- (b) Except as provided in subsection (a) of this section or when a delay results from the client's request for a hearing, a notice to reduce or close benefits becomes void if the reduction or closure is not initiated on the date stated on the notice. If the notice is void, a new notice is sent to inform the *financial group* (see OAR 461-110-0530) of a new date on which their benefits will be reduced or closed.
- (c) No *decision notice* is required in each of the following situations:
 - (A) Benefits are ended because there is no living person in the *benefit group* (see OAR 461-110-0750).
 - (B) A notice was sent, the client requested a hearing, and either the hearing request is dismissed or a final order is issued.
 - (C) The client has signed a voluntary agreement that qualifies as a final order under ORS 183.417(3)(b) (see OAR 461-175-0340(2)).
 - (D) A *decision notice* that included the eligibility begin and end dates was given for TA-DVS program benefits and the 90 day eligibility period ends.
- (d) When the Department amends a *decision notice* with another *decision notice* under subsection (a) of this section, the date of the amended notice restarts the client's deadlines to request a hearing or continuing benefits, or both.
- (e) When a contested case notice extends an effective date or delays a reduction or closure, the date of the amended notice restarts a client's timeline to request continuing benefits.
- (f) When a client has a pending hearing request or is receiving continuing benefits, and the Department amends a notice under this section, the client need not re-file the hearing request or renew the request for continuing benefits.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049, 414.231

Stats. Implemented: ORS 183.415, 183.417, 411.060, 411.070, 411.117, 411.404, 411.706, 411.816, 412.014, 412.049, 414.231, 414.826