

Secretary of State
PERMANENT RULEMAKING
A Statement of Need and Fiscal Impact must accompany this form.

RULEMAKING ACTION

AMEND: 461-145-0080, 461-145-0280, 461-145-0300, 461-145-0365, 461-145-0430, 461-150-0090, 461-155-0030, 461-155-0035, 461-165-0030, 461-175-0305

ORS 409.050, 411.060, 411.070, 411.083, 411.892, 412.049

Stat. Auth.

45 CFR 400

Other Auth.

ORS 409.050, 411.060, 411.070, 411.083, 411.892, 412.049

Stats. Implemented

Rule Summary

The Department is making several updates to policy relating to the Refugee (REF) and Refugee Medical (REFM) programs. Specifically:

- OAR 461-145-0080 relating to child support and cash medical support is being amended to remove reference to the REF and REFM programs.
- OAR 461-145-0280 about in-kind income is being amended to remove reference to REF and REFM as it relates to noncustodial parents.
- OAR 461-145-0300 relating to the treatment of payments made to clients under the Workforce Investment Act is being amended to remove reference to REF and REFM as it relates to caretaker relatives, which does not apply in those programs.
- OAR 461-145-0365 about how payments from the National and Community Services Trust Act, including AmeriCorps, are treated is being amended to remove the reference to the REF program as it relates to child care, which is not applicable in the REF program.
- OAR 461-145-0430 about real property excluded under an Interim Assistance Agreement is being amended to not apply to the REF and REFM programs because real property is excluded in those programs.
- OAR 461-150-0090 about prospective budgeting and annualizing and prorating contracted or self-employment income is being amended to clarify how contract income is treated in the REFM program. That program was previously not covered by this rule.
- OAR 461-155-0030 about income and payment standards in the JOBS, REF, and TANF programs is being amended to remove reference to the REF program as it relates to need groups that contain no adult because that is not applicable in the REF program.
- OAR 461-155-0035 about cooperation incentive payment standards is being amended so that the rule no longer applies to the REF program, which does not issue cooperation incentive payments.
- OAR 461-165-0030 about concurrent benefits is being amended to state that an REF or TANF filing group may not receive REF or TANF benefits while also receiving assistance from the Office of Refugee Resettlement Matching Grant Program.
- OAR 461-175-0305 about the notice situation when an individual is removed from a benefit group or need group is being amended to remove reference to the REF and REFM programs as it relates to removing a child from the benefit group as a result of placement in child care by the caretaker relative. This is not applicable in the REF and REFM programs.

Child Support and Cash Medical Support

- (1) Child support and cash medical support paid by a non-custodial parent for a *dependent child* (see OAR 461-001-0000) or *minor parent* (see OAR 461-001-0000) in the *financial group* (see OAR 461-110-0530) are considered income of the *dependent child* or *minor parent*, whether the support is paid voluntarily or in accordance with an order to pay child support.
- (2) For the purposes of this rule:
 - (a) "Disregard" means child support, up to \$50 per *dependent child* or *minor parent* per *financial group* per month and not to exceed \$200 per *financial group* per month, that is not counted as income of the client. "Disregard" includes current child support only.
 - (b) "Pass-through" means child support, up to \$50 per *dependent child* or *minor parent* per *financial group* per month and not to exceed \$200 per *financial group* per month, that is sent to the client before any remaining amount of current child support is withheld by the State. "Pass-through" includes current child support only.
- (3) In the ERDC program, child support is considered *countable* (see OAR 461-001-0000) unearned income if it is received by the *financial group* or is *countable* under OAR 461-145-0280. Otherwise it is excluded.
- (4) In the SNAP program, child support and cash medical support are treated as follows:
 - (a) Child support payments the group receives that must be assigned to the Department to maintain TANF eligibility are excluded, even if the group fails to turn the payments over to the Department.
 - (b) Child support payments received by a *filing group* (see OAR 461-110-0370) with at least one member working under a TANF JOBS Plus agreement are excluded, except:
 - (A) It is considered *countable* unearned income in the calculation of the wage supplement; and
 - (B) Any *pass-through* pursuant to section (2) of this rule is considered *countable* unearned income.
 - (c) All other child support, including any *pass-through* pursuant to section (2) of this rule, is considered *countable* unearned income.

- (d) Cash medical support is considered *countable* unearned income except to the extent it is used to reimburse (see OAR 461-145-0440) an actual medical cost.
 - (e) Payments made by a non-custodial parent to a third party for the benefit of the *financial group* are treated in accordance with OAR 461-145-0280.
- (5) Except as provided otherwise in section (8) of this rule, ~~for the TANF program,~~ in the ~~REF, REFM, and~~ TANF programs:
- (a) In determining initial *eligibility* (see OAR 461-001-0000), except for *disregard* pursuant to section (2) of this rule, child support received by the Oregon Department of Justice, Division of Child Support (DCS) is considered *countable* unearned income, if continued receipt of the child support is reasonably anticipated. These payments are excluded when determining the benefit amount.
 - (b) In determining on-going *eligibility*, except for clients working under a TANF JOBS Plus agreement and except for child support passed through to the client and disregarded pursuant to section (2) of this rule, child support received by the DCS is considered *countable* unearned income, if continued receipt of the child support is reasonably anticipated. These payments are excluded when determining the benefit amount.
 - (c) For clients working under a TANF JOBS Plus agreement:
 - (A) Child support is excluded in determining *countable* income.
 - (B) Child support is excluded when calculating the TANF portion of the benefit equivalency standards.
 - (C) All child support paid directly to the client is considered *countable* unearned income in the calculation of the wage supplement.
 - (d) All other child support payments:
 - (A) Paid directly to the *financial group* that are turned over to the Department or to the DCS are considered *countable* unearned income except for any amount of *pass-through* and *disregard* pursuant to section (2) of this rule.
 - (B) Paid directly to the *financial group* that are not turned over to the Department or to the DCS are considered *countable* unearned income.
 - (C) Paid to a third party for the benefit of the *financial group* are considered *countable* unearned income. This includes but is not limited to payments made by a non-custodial parent to a third party for rent, mortgage, utilities, or child care.

- (e) Cash medical support is excluded in determining *countable* income.
- (6) In the OSIP, OSIPM, and QMB programs, all child support and cash medical support paid to the *financial group* are considered *countable* unearned income. Child support and cash medical support paid by the *financial group* are not deductible from income.
- (7) In the SFPSS program, notwithstanding section (5) of this rule, for on-going *eligibility* and benefit determination:
 - (a) Except for *disregard* pursuant to section (2) of this rule, child support is considered *countable* unearned income.
 - (b) Cash medical support is excluded in determining *countable* income.
 - (c) Payments made by a non-custodial parent to a third party for the benefit of the *financial group* are considered *countable* unearned income. This includes but is not limited to payments made by a non-custodial parent to a third-party for rent, mortgage, utilities, or child care.
- (8) For on-going *eligibility* and benefit determination for TANF clients in a two-parent household:
 - (a) Except for *disregard* pursuant to section (2) of this rule, child support is considered *countable* unearned income.
 - (b) Cash medical support is excluded in determining *countable* income.
 - (c) Payments made by a non-custodial parent to a third party for the benefit of the *financial group* are considered *countable* unearned income. This includes but is not limited to payments made by a non-custodial parent to a third party for rent, mortgage, utilities, or child care.
 - (d) For a *filing group* (see OAR 461-110-0330) with at least one member working under a TANF JOBS Plus agreement:
 - (A) Child support is excluded in determining *countable* income.
 - (B) Child support is excluded when calculating the TANF portion of the benefit equivalency standards.
 - (C) All child support paid directly to the client is considered *countable* unearned income in the calculation of the wage supplement.

- (1) This rule does not apply to shelter-in-kind income (see OAR 461-145-0470).
- (2) In all programs except the REF, REFM, and TANF programs, *in-kind income* (see OAR 461-001-0000) that is earned is treated according to the administrative rules on earned income (such as OAR 461-145-0130).
- (3) In all programs except the REF, REFM, and TANF programs, *in-kind income* that is unearned (except third-party payments) is treated as follows:
 - (a) Income from court-ordered community service work or bartering is excluded. Bartering is the exchange of goods of equal value.
 - (b) Items such as cars and furniture are treated according to the administrative rule for the specific type of asset.
- (4) In the REF, REFM, and TANF programs, *in-kind income* (except unearned third-party payments) is excluded.
- (5) In the SNAP program, except for child support (see OAR 461-145-0080) and an expenditure by a business entity that benefits a principal (see OAR 461-145-0088), *in-kind income* is excluded.
- (6) Unearned third-party payments are treated as follows:
 - (a) Payments made to a third party that should legally be paid directly to a member of the *financial group* (see OAR 461-110-0530) are counted as unearned income.
 - (b) Payments made to a third party that the payee is not legally obligated to pay directly to a member of the *financial group* and that the *financial group* does not have the option of taking as cash, and payments made by the noncustodial parent to a third party that are court-ordered are treated as follows:
 - (A) In the SNAP program, these third-party payments are excluded unless they are transitional housing payments for the homeless.
 - (B) In the ~~REF, REFM, and~~ TANF programs, except for payments designated as child support (see OAR 461-145-0080), these third-party payments are excluded.
 - (C) In all programs except the ~~REF, REFM,~~ SNAP, and TANF programs, these third-party payments are excluded.

Payments to clients made under Title I-B of the Workforce Investment Act (see OAR 589-020-0210) are treated as provided in this rule.

- (1) Need-based (stipend) payments are treated as unearned income except as follows:
 - (a) In the SNAP program, these payments are excluded.
 - (b) The payments are excluded for ~~REF, REFM, and~~ TANF clients under the age of 19 years, or under the age of 20 years if the client is a *caretaker relative* (see OAR 461-001-0000).
- (2) OJT (On-the-Job Training) and work experience payments are counted as earned income, except as follows:
 - (a) The payments are excluded for ~~REF, REFM, and~~ TANF clients under the age of 18 years, or under the age of 20 years if the client is a *caretaker relative* (see OAR 461-001-0000);
 - (b) The payments are excluded for an SNAP client who is:
 - (A) Under the age of 19 years and under the control of an adult member of the *fling group* (see OAR 461-110-0370); or
 - (B) Receiving OJT payments under the Summer Youth Employment and Training Program.
- (3) A support service payment for an item already covered by the benefits of the *benefit group* (see OAR 461-110-0750) is treated as unearned income. All other support service payments (including lunch payments and clothing allowances) are excluded.
- (4) A *reimbursement* (see OAR 461-001-0000) is treated as provided in OAR 461-145-0440.

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

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

461-145-0365

~~Eff. 1-1-14~~

Eff. 1-1-16

National and Community Services Trust Act (NCSTA), including AmeriCorps (other than AmeriCorps VISTA)

- (1) The National and Community Service Trust Act (NCSTA) of 1993 (P.L. 103-82) amended the National and Community Service Act (NCSA) of 1990 (P.L. 101-610) that established a Corporation for National and Community Service. The Corporation administers national service programs providing living allowance, educational award, child care, and in-kind benefits.
- (2) NCSTA payments, including AmeriCorps (except AmeriCorps VISTA which is covered in OAR 461-145-0110) are treated as follows:
 - (a) The living allowance (stipend benefits) is excluded.
 - (b) Educational award and in-kind benefits are treated as follows:
 - (A) In the GA program, these benefits are treated according to the policy for the specific type of asset.
 - (B) In all programs except GA, these benefits are excluded.
 - (c) The child care allowance is treated as follows:
 - (A) For clients in the ERDC, ~~REF~~, and TANF programs who are eligible for direct provider payment of child care, the allowance is counted as unearned income. The allowance is excluded only if the client already pays the provider. The provider may be paid for only the costs not covered by the allowance.
 - (B) For clients in the SNAP program who are receiving a child care deduction, the deduction is allowed only for the costs not covered by the allowance.
 - (C) In all other programs, the allowance is excluded.

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

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

461-145-0430

~~Eff. 1-1-14~~

Eff. 1-1-16

Real Property Excluded under an Interim Assistance Agreement; ~~REF, REFM,~~ TANF

- (1) This rule applies in the ~~REF, REFM, and~~ TANF programs when the *equity value* (see OAR 461-001-0000) of *real property* (see OAR 461-001-0000) puts the *financial group* (see OAR 461-110-0530) over the resource limit.
- (2) When section (1) of this rule applies:
 - (a) The *equity value* of *real property* is excluded for a maximum of nine months if the *financial group* signs and complies with the terms of the program's Interim Assistance Agreement.
 - (b) After the ninth month, the *equity value* of the property is counted as a resource.
- (3) To comply with the terms of the program's Interim Assistance Agreement, the *financial group* must agree to do all the following:
 - (a) Make a good-faith effort to sell the property; and
 - (b) Use the proceeds from the sale of the property to reimburse the Department for all benefits paid under the terms of the program's Interim Assistance Agreement. The reimbursement will not exceed the net proceeds of the sale of the property.
- (4) The amount of benefits paid while the *financial group* has excess *real property* is an overpayment if the *financial group* fails to notify the Department that the group has the property.
- (5) The amount of the benefits paid while the *financial group* has excess *real property* is an overpayment up to the net proceeds of the sale of the property if the property sells and the *financial group* does not repay the Department under the terms of the program's Interim Assistance Agreement.

Stat. Auth.: ORS 411.060, 411.070, 411.083, 411.404, 411.700, 412.049

Stats. Implemented: ORS 411.060, 411.070, 411.083, 411.404, 411.700, 412.049

461-150-0090

~~Eff. 10-1-15~~

Eff. 1-1-16

Prospective Budgeting: Annualizing and Prorating Contracted or Self-employment Income; Not OSIP, OSIPM, or QMB

~~In all programs except the REFM program:~~

- (1) Income from self-employment, including contract income while self-employed, is treated in accordance with OAR 461-145-0910 unless the income meets the provisions of section (2) of this rule.
- (2) If past contract income is not representative of future income or when a substantial increase or decrease is expected in *countable* (see OAR 461-001-0000) self-employment income (see OAR 461-145-0910) in the next year, costs as allowed under OAR 461-145-0930 and anticipated income are used to determine the *countable* income.
- (3) In the ERDC, REF, SNAP, and TANF programs, contract income that does not meet the criteria of self-employment income (see OAR 461-145-0910) is treated as follows:
 - (a) Income received during a less than 12-month period but intended as a full year's income is annualized.
 - (b) Income received on an hourly or piecework basis or monthly over the term of the contract period is not annualized. It is treated as *stable income* (see OAR 461-001-0000) under OAR 461-150-0070 or *variable income* (see OAR 461-001-0000) under OAR 461-150-0080.
- (4) In the REFM program, contract income that does not meet the criteria of self-employment income (see OAR 461-145-0910) is treated as follows:
 - (a) Income is counted only if received in the month of application. If income counted in the month of application puts the applicant over the income limits for REFM, the income is annualized.
 - (b) Income received on an hourly or piecework basis or monthly over the term of the contract period is not annualized. It is treated as *stable income* (see OAR 461-001-0000) under OAR 461-150-0070 or *variable income* (see OAR 461-001-0000) under OAR 461-150-0080.
- (45) Contract income that is not the annual income of the *financial group* (see OAR 461-110-0530) and not paid on an hourly or piecework basis is prorated over the period the income is intended to cover.

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

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.404, 411.816, 412.014, 412.049

461-150-0090

~~Eff. 10-1-15~~

Eff. 1-1-16

Prospective Budgeting: Annualizing and Prorating Contracted or Self-employment Income; Not OSIP, OSIPM, or QMB

~~In all programs except the REFM program:~~

- (1) Income from self-employment, including contract income while self-employed, is treated in accordance with OAR 461-145-0910 unless the income meets the provisions of section (2) of this rule.
- (2) If past contract income is not representative of future income or when a substantial increase or decrease is expected in *countable* (see OAR 461-001-0000) self-employment income (see OAR 461-145-0910) in the next year, costs as allowed under OAR 461-145-0930 and anticipated income are used to determine the *countable* income.
- (3) In the ERDC, REF, SNAP, and TANF programs, contract income that does not meet the criteria of self-employment income (see OAR 461-145-0910) is treated as follows:
 - (a) Income received during a less than 12-month period but intended as a full year's income is annualized.
 - (b) Income received on an hourly or piecework basis or monthly over the term of the contract period is not annualized. It is treated as *stable income* (see OAR 461-001-0000) under OAR 461-150-0070 or *variable income* (see OAR 461-001-0000) under OAR 461-150-0080.
- (4) In the REFM program, contract income that does not meet the criteria of self-employment income (see OAR 461-145-0910) is treated as follows:
 - (a) Income is counted only if received in the month of application. If income counted in the month of application puts the applicant over the income limits for REFM, the income is annualized.
 - (b) Income received on an hourly or piecework basis or monthly over the term of the contract period is not annualized. It is treated as *stable income* (see OAR 461-001-0000) under OAR 461-150-0070 or *variable income* (see OAR 461-001-0000) under OAR 461-150-0080.
- (45) Contract income that is not the annual income of the *financial group* (see OAR 461-110-0530) and not paid on an hourly or piecework basis is prorated over the period the income is intended to cover.

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

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.404, 411.816, 412.014, 412.049

Income and Payment Standards; JOBS, REF, TANF

In the JOBS, REF, and TANF programs, the income standards are as follows:

- (1) The Countable Income Limit Standard is the amount set as the maximum countable income limit.
- (a) For each *need group* (see OAR 461-110-0630) in the REF and TANF programs containing an adult, the following table is used:

Countable Income Limit Need Group	
<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) 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 "no-adult countable income limit standard" for the *need group* under subsection (c) of this section. The "non-needy countable income limit standard" for the *filing group* (see OAR 461-110-0330) is set at 185 percent of the federal poverty level (see OAR 461-155-0180).
- (c) In the ~~REF and~~ TANF programs, when the *need group* contains no adults, the "no-adult countable income limit standard" is calculated as follows:
- (A) Refer to the Countable Income Limit Standard for need groups with adults. Use the standard for the number of individuals in the *household group* (see OAR 461-110-0210).
- (B) Divide the standard in paragraph (A) of this subsection by the number of individuals in the *household group*. Round this figure down to the next lower whole number if the figure is not a whole number.
- (C) Multiply the figure from paragraph (B) of this subsection by the number of individuals in the *need group*. The result is the standard.

- (d) In the JOBS program, for the filing group of a non-custodial *parent* who resides in Oregon and whose *dependent child* (see OAR 461-001-0000) is receiving TANF program benefits in Oregon to participate in an *activity* (see OAR 461-001-0025) of the JOBS program, the *countable* (see OAR 461-001-0000) income limit is set at 185 percent of the federal poverty level (see OAR 461-155-0180).
- (2) The Adjusted Income/Payment Standard is used as the adjusted income limit and to calculate cash benefits for need groups with an adult.
- (a) For need groups containing an adult in the REF and TANF programs, except as provided otherwise in subsection (b) of this section, the following table is used:

Adjusted Income/Payment Standard	
Need Group	
<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) To calculate cash benefits for a *need group* with an adult in the REF and TANF programs, the following table is used:

Payment Standard	
Need Group	
<u>No. in Need 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

- (c) In the ~~REF and~~ TANF programs, when the *need group* contains no adult, the No-Adult Adjusted Income/Payment Standard is calculated as follows:
- (A) Refer to the Adjusted Income/Payment Standard for need groups with adults. Use the standard for the number of individuals in the *household group*.
 - (B) Divide the standard in paragraph (A) of this subsection by the number of individuals in the *household group*. Round this figure down to the next lower whole number if the figure is not a whole number.
 - (C) Multiply the figure from paragraph (B) of this subsection by the number of individuals in the need group.
 - (D) Add \$12 to the figure calculated in paragraph (C) of this subsection.

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, 411.400, 412.006, 412.049, 412.124

Cooperation Incentive Payment Standard; ~~REF~~-TANF

- (1) The cooperation incentive is a monthly payment added to the TANF cash grant. OAR 461-135-0210 explains who is eligible for this incentive payment.
- (2) Except as provided in section (4) of this rule, when there is an adult in the *need group* (see OAR 461-110-0630), the incentive payment is based on the number of people in the *need group* as follows:
 - (a) One person - \$26
 - (b) Two people - \$32
 - (c) Three people - \$43
 - (d) Four people - \$52
 - (e) Five people - \$52
 - (f) Six people - \$75
 - (g) Seven people - \$75
 - (h) Eight or more people - \$109
- (3) Except as provided in section (4) of this rule, when there is no adult in the *need group*, the incentive is calculated as follows:
 - (a) The payment authorized by section (1) of this rule is determined based on the number of people in the *household group* (see OAR 461-110-0210) rather than in the *need group*. For instance, if there are three people in the *household group*, the amount used for this calculation is \$43.
 - (b) The figure obtained in subsection (a) of this section is divided by the number of people in the *household group*, and the result is rounded to the next lower whole number.
 - (c) The figure obtained in subsection (b) of this section is multiplied by the number of people in the *need group*. The result is the incentive payment.
- (4) All ~~C~~ooperation ~~H~~incentive payments end on September 30, 2010. Beginning October 1, 2010, no client in the ~~REF~~-or TANF program will receive a ~~C~~ooperation ~~H~~incentive ~~P~~ayment.

Concurrent and Duplicate Program Benefits

- (1) Except as noted in this rule, an individual may not receive benefits from the Department of the same type (that is, cash, medical, or SNAP benefits) for the same period as a member of two or more different benefit groups (see OAR 461-110-0750) or from two or more separate programs. Except as allowed in subsection (g) of this section, this provision includes a prohibition against an individual receiving TANF concurrently with another cash assistance program funded under Title IV-E of the Social Security Act.
 - (a) An individual may receive EA, HSP, and TA-DVS benefits and cash payments from other programs for the same time period.
 - (b) If a GA recipient becomes eligible for the TANF program, benefits are supplemented during the first month of *eligibility* (see OAR 461-001-0000) for TANF to the TANF payment standards.
 - (c) ~~An REF or A~~ TANF recipient may receive ERDC for a *child* (see OAR 461-001-0000) in the *household group* (see OAR 461-110-0210), but who may not be included in the ~~REF or~~ TANF *filing group* (see OAR 461-110-0310).
 - (d) A *child* who is a member of an ERDC *benefit group* may also be a member of one of the following benefit groups:
 - (A) An OSIP-AB *benefit group*.
 - (B) A TANF *benefit group* when living with a nonneedy *caretaker relative* (see OAR 461-001-0000), if the *caretaker relative* is not the *parent* (see OAR 461-001-0000) of the *child*.
 - (C) A TANF *benefit group* when living with a needy *caretaker relative* receiving SSI.
 - (e) An individual in the SNAP program who leaves a *filing group* (see OAR 461-110-0370) that includes an individual who abused them and enters a *domestic violence shelter* (see OAR 461-001-0000) or *safe home* (see OAR 461-001-0000) for victims of *domestic violence* (see OAR 461-001-0000) may receive SNAP benefits twice during the month the individual enters the *domestic violence shelter* or *safe home*.
 - (f) A QMB recipient may also receive medical benefits from OSIPM, REFM, or an OCCS medical program with the exception of OHP-OPC, OHP-OPU, OHP-OP6, OHP-CHIP, MAGI Adult, and MAGI CHIP.

- (g) An individual may receive Chafee (see OAR 413-030-0400 to 413-030-0455) and TANF benefits during the same time period. As of January 1, 2013, receipt of both Chafee and TANF benefits will not result in an overpayment.
- (2) An individual may not receive benefits of the same type (that is, cash, medical, or SNAP benefits) for the same period from both Oregon and another state or tribal food distribution program, except as follows:
 - (a) Medical benefits may be authorized for an eligible individual if the individual's provider refuses to submit a bill to the Medicaid agency of another state and the individual would not otherwise receive medical care.
 - (b) Cash benefits may be authorized for an individual in the Pre-TANF program if benefits from another state will end by the last day of the month in which the individual applied for TANF.
- (3) In the SNAP program, each individual who has been included as a member of the *filing group* in Oregon or another state is subject to all of the restrictions in section (2) of this rule.
- (4) An individual may not receive REF or TANF benefits for the same period of time the individual receives assistance from the Office of Refugee Resettlement Matching Grant Program.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.704, 411.706, 411.816, 412.049, 412.124, 414.025, 414.826, 414.839

Stats. Implemented: ORS 411.060, 411.070, 411.117, 411.404, 411.704, 411.706, 411.816, 412.049, 412.124, 414.025, 414.826, 414.839

461-175-0305

~~Eff. 1-1-14~~

Eff. 1-1-16

Notice Situation; Removing an Individual ~~F~~from a Benefit Group (REF, REFM, SNAP, TANF) or Need Group (ERDC)

- (1) To remove an individual from a *benefit group* (see OAR 461-110-0750), the following notices are used:
 - (a) A *continuing benefit decision notice* (see OAR 461-001-0000) is used when the removal is based on information reported on the Interim Change Report form.
 - (b) A *timely continuing benefit decision notice* (see OAR 461-001-0000) is used when the removal is not based on the Interim Change Report form.
- (2) In the ERDC program, the Department sends a *timely continuing benefit decision notice* to remove an individual from the *need group* (see OAR 461-110-0630).
- (3) In the ~~REF, REFM, and~~ TANF programs, if a *child* (see OAR 461-001-0000) is removed from the *benefit group* as a result of a court order or a voluntary placement in foster care by the child's *caretaker relative* (see OAR 461-001-0000), a *basic decision notice* (see OAR 461-001-0000) is used.

Stat. Auth.: ORS 411.060, 411.095, 411.404, 411.816, 412.049

Stats. Implemented: ORS 411.060, 411.095, 411.404, 411.816, 412.049