

Secretary of State  
**CERTIFICATE AND ORDER FOR FILING TEMPORARY ADMINISTRATIVE RULES  
and  
STATEMENT OF NEED AND JUSTIFICATION**

I certify that the attached copies are true, full and correct copies of the TEMPORARY Rule(s) adopted on  
May 12, 2016 by the

Department of Human Services, Office of Self-Sufficiency Programs			461
<b>Agency and Division</b>			<b>Chapter Number</b>
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to become effective May 12, 2016 through November 7, 2016.\*

*\*Temporary rules are effective for a maximum of 180 days including the effective date.*

**Rule Caption:** *Amending rule relating to income limits for the REF program*

**In the Matter of:** *The amendment of OAR 461-155-0030*

**AMEND:** 461-155-0030

ORS 409.050, 411.060, 411.070

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**Stat. Auth.**

45 CFR 400

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**Other Auth.**

ORS 409.050, 411.060, 411.070

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**Stats. Implemented**

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## Rule Summary

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OAR 461-155-0030 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 whenever possible, due to systems limitations, in this case the ELI will only apply to TANF until the system can be changed to apply the ELI to REF clients.

## Need for the Rules

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OAR 461-155-0030 needs to be amended because the Department's eligibility system will not allow REF program benefits to be coded using the new TANF ELI. Generally, REF policy is aligned with TANF policy to avoid confusion for clients and eligibility staff. However, due to system limitations, the rule needs to be amended to apply the ELI only to TANF clients who become ineligible due to increased income. This is a temporary change until the system can be modified to apply the ELI to REF clients.

## Documents Relied Upon

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None.

## Justification of Temporary Rules

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The Department finds that failure to act promptly by amending OAR 461-155-0030 will result in serious prejudice to the public interest, the Department, eligibility staff, and REF clients. The Department needs to proceed by temporary rule because the public, the Department, eligibility staff, and REF clients will immediately benefit when the rule establishing income limits for program eligibility accurately reflects the way income is used to determine eligibility for REF benefits until a permanent solution can be implemented to the Department's eligibility system to allow the ELI to be applied to REF cases.

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:

<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>
	\$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