

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
September 1, 2016 by the

Department of Human Services, Office of Self-Sufficiency Programs			461
Agency and Division			Chapter Number
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to become effective September 1, 2016 through February 27, 2017.*

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

Rule Caption: *Amending rule to align eligibility policy for the general assistance project established by HB 4042 (2016)*

In the Matter of: *Temporary amendment of OAR 461-110-0530*

AMEND: 461-110-0530

ORS 409.050, 411.060, 411.070

Stat. Auth.

None.

Other Auth.

ORS 409.050, 411.060, 411.070, Or Laws 2016, ch 93

Stats. Implemented

Rule Summary

OAR 461-110-0530 about financial groups is being amended to remove reference to the GA program.

Need for the Rules

The GA program was reinstated by [HB 4042](#) (2016). (The program was discontinued in 2005.) On July 1, 2016, the Department adopted temporary rules to reflect the requirements of the new

program and to remove references to GA and GAM (General Assistance Medical) throughout the rules that had not been removed in 2005. OAR 461-110-0530 was inadvertently left out of the temporary rule filing on July 1, 2016. The rule needs to be amended by temporary rule now to remove reference to the GA program to ensure the rules accurately reflect eligibility requirements for the new GA program.

Documents Relied Upon

Overview of HB 4042 (2016) from the Oregon State Legislature available at <https://olis.leg.state.or.us/liz/2016R1/Measures/Overview/HB4042> and July 1, 2016 temporary rule filing available at <http://www.dhs.state.or.us/policy/selfsufficiency/publications/2016-07-01%20temp%20ga.pdf>.

Justification of Temporary Rules

The Department finds that failure to act promptly by amending OAR 461-110-0530 will result in serious prejudice to the public interest, Department staff who rely on rules to determine eligibility, and clients who may be eligible for benefits under HB 4042 (2016). The Department needs to proceed by temporary rule because the public, the Department, and clients will immediately benefit when all Department rules accurately reflect Department policy and procedure related to eligibility for benefits under HB 4042 (2016).

461-110-0530
Financial Group

~~Eff. 10-1-15~~

Temp. Eff. 7-1-16 through 2-27-17

- (1) Except as provided in section (4) of this rule, the "financial group" consists of the filing group (see OAR 461-110-0310) members whose income and resources the Department considers in determining *eligibility* (see OAR 461-001-0000) and benefits.
- (2) In the ERDC, ~~GA~~, OSIPM-EPD, QMB, and SNAP programs, the "financial group" consists of each individual in the filing group.
- (3) In the REF and REFM programs, the "financial group" consists of each individual in the filing group, except an individual who is eligible for and receives an SSI cash payment.
- (4) In the OSIPM (except OSIPM-EPD) program:
 - (a) For the purposes of this section of this rule, "ineligible" means an individual not eligible to receive either SSI or TANF program benefits.
 - (b) When an individual lives in a *standard living arrangement* (see OAR 461-001-0000):
 - (A) Except as provided in paragraph (B) of this subsection, each member of the filing group is in the "financial group".
 - (B) When an individual, whose *eligibility* is not determined under certain protected groups (see OAR 461-135-0771 to OAR 461-135-0830), is married, not *assumed eligible* (see OAR 461-135-0010) for OSIPM, and the individual's *spouse* (see OAR 461-001-0000) is considered "ineligible" (see subsection (a) of this section):
 - (i) If the individual's *adjusted income* (see OAR 461-001-0000) using the deductions allowed under OAR 461-160-0550(4) is greater than the OSIPM program *adjusted income* standard for a *need group* of one under OAR 461-155-0250, the individual is in his or her own "financial group" and not eligible for OSIPM.
 - (ii) When there are children in the home, if the *ineligible* spouse's remaining *countable* (see OAR 461-001-0000) income after allocation (see OAR 461-160-0551) to each *ineligible* child is equal to or less than the difference between the couple and the individual SSI standards: the *spouse* is not included in the "financial group" when determining income *eligibility*; however, the *spouse* is included in the "financial group" when determining resource *eligibility*.
 - (iii) When there are no children in the home, if the *ineligible* spouse's *countable* income is less than the difference between the couple and the individual SSI standards: the *spouse* is not included in the

"financial group" when determining income *eligibility*; however, the *spouse* is included in the "financial group" when determining resource *eligibility*.

- (c) When an individual lives in a *nonstandard living arrangement* (see OAR 461-001-0000), the "financial group" consists only of the individual applying for benefits, except that the *community spouse* (see OAR 461-001-0030) is included in the "financial group" to determine initial *eligibility*. At initial *eligibility*, the resources of the *community spouse* are considered and the provisions of OAR 461-160-0580 apply. The income of the *community spouse* is not considered in determining initial *eligibility*, and the *community spouse* is not included in any other *eligibility* group.
- (5) In the TANF program, the "financial group" consists of each individual in the filing group except the following:
 - (a) A *caretaker relative*, other than a *parent*, who chooses not to be included in the *need group* and has income less than the *non-needy countable income limit standard* (see OAR 461-155-0030) for the filing group of the *caretaker relative*;
 - (b) The *spouse* of a *caretaker relative*, when the *caretaker relative* meets the requirements under subsection (a) of this section;
 - (c) A *dependent child* of a *caretaker relative* when the *caretaker relative* meets the requirements under subsection (a) of this section;
 - (d) An individual in the filing group solely due to the requirements of OAR 461-110-0310(2)(b); and
 - (e) An individual who is eligible for and receives an SSI cash payment.

Stat. Auth.: ORS 411.060, 411.070, 411.404, 411.706, 411.816, 412.006, 412.049, 412.064, 412.124, 414.712

Stats. Implemented: ORS 411.060, 411.070, 411.404, 411.816, 412.006, 412.049, 412.064, 412.124, 414.712, 414.826, 414.839