

Secretary of State  
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**PERMANENT ADMINISTRATIVE RULES**

I certify that the attached copies are true, full and correct copies of the PERMANENT Rule(s) adopted on

September 30, 2016 by the

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

461  
Chapter Number

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to become effective October 1, 2016.

Rulemaking Notice was published in the August 1, 2016 Oregon Bulletin.

**Rule Caption:**        *Clarifying eligibility requirements for the GA program established by [HB 4042](#) (2016)*

**AMEND:**        461-135-0700

ORS 409.050, 411.060, 411.070

**Stat. Auth.**

None.

**Other Auth.**

ORS 409.010, 409.050, 411.060, 411.070, 411.710, Or Laws 2016, ch 93

**Stats. Implemented**

## Rule Summary

OAR 461-135-0700 about the specific requirements for the GA program created by [HB 4042](#) (2016) is being amended to clarify the requirements related to the applicant living with his or her child. The rule current states that a GA applicant is not eligible if the individual lives with his or her child. The rule is being clarified to state that the individual may not be in the same OSIPM (Oregon Supplemental Income Program Medical) household group with his or her child.

- (1) For purposes of this rule, "homeless" means any of the following:
  - (a) The individual does not have a fixed or regular nighttime residence;
  - (b) The individual will lose his or her own residence within 90 days due to eviction or the inability to pay rent or mortgage; or
  - (c) The individual's primary residence is one of the following:
    - (A) A supervised shelter that provides temporary accommodations.
    - (B) A halfway house or residence for individuals who may become institutionalized.
    - (C) A temporary accommodation in another individual's or family's residence for 90 days or less.
    - (D) A place not designed to be or ordinarily used as a place for individuals to sleep, such as a hallway, bus station, or similar place.
- (2) To be eligible for GA, an individual must meet all of the following requirements:
  - (a) The individual must be 18 years of age or older.
  - (b) The individual must be *homeless* (see section (1) of this rule).
  - (c) The individual may not be ~~living with his or her child (see OAR 461-001-0000) in the same OSIPM household group (see OAR 461-110-0210) with his or her child (see OAR 461-001-0000).~~
  - (d) The individual may not be receiving TANF benefits.
  - (e) The individual must be eligible for and receiving OSIPM with a basis of need established under OAR 461-125-0370(1)(c).
  - (f) The individual may not be in a *nonstandard living arrangement* (see OAR 461-001-0000) other than at home receiving *in-home services* (see OAR 411-030-0020).
  - (g) The individual must complete the application process for Supplemental Security Income (SSI); cooperate with the Department in applying to the Social Security Administration for SSI; appeal all denials of SSI made below the Appeal's Council level; and attend all appointments designated by the Department relating

to obtaining SSI.

- (h) The individual must meet the non-financial, non-disability requirements for SSI.
- (i) The individual must sign an interim assistance agreement authorizing the Department to recover interim GA benefits paid to the client (or paid to providers on the client's behalf) from the initial SSI payment or initial post-eligibility payment. The following provisions are considered part of the interim assistance agreement:
  - (A) Interim GA benefits include only those GA cash benefits paid during the period of time that the SSI benefit covers.
  - (B) For any month in which SSI is prorated, the Department may recover only a prorated amount of the interim GA cash benefit.
  - (C) If the Department is unable to stop delivery of a GA benefit issued after the SSI payment is made, the GA payment will be included in the interim assistance to be reimbursed to the Department.
- (3) Financial Eligibility.
  - (a) The OSIPM income and resource methodology are used to determine financial eligibility for the GA program.
  - (b) The GA benefit amount is determined according to OAR 461-155-0210 and 461-160-0500.
- (4) If the Department determines that the individual no longer has an impairment that meets the criteria in OAR 461-125-0370, the individual is ineligible for GA.
- (5) An individual found by the Social Security Administration (SSA) not to meet disability criteria at the initial, reconsideration, or hearing level may continue receiving GA benefits until all SSA administrative appeals are exhausted.

Stat. Auth.: ORS 411.060

Stats. Implemented: ORS 411.710, Or Laws 2016, ch 93