

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
February 28, 2017 by the

Department of Human Services, Office of Self-Sufficiency Programs	461
Agency and Division	Chapter Number
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to become effective March 1, 2017 through June 30, 2017.*

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

Rule Caption: Amending rule relating to case plan activities and support services payments

In the Matter of: Temporary amendment of OAR 461-190-0211

AMEND: 461-190-0211

ORS 409.050, 411.060, 411.070, 411.121, 412.006, 412.009, 412.014, 412.049, 412.124

Stat. Auth.

Other Auth.

ORS 409.010, 411.060, 411.070, 411.121, 412.001, 412.006, 412.009, 412.014, 412.049,
412.124

Stats. Implemented

Rule Summary

OAR 461-190-0211 about case plan activities and support service payments in the JOBS, Post-TANF, Pre-TANF, REF, SFPSS, TA-DVS, and TANF programs is being amended to allow

(until June 30, 2017) support services payments necessary to obtain or maintain safe stable housing for participants experiencing or at risk of domestic violence. Total payments may not to exceed \$800 during a 90-day period. This rule is also being amended to allow JOBS-exempt individuals who are in a Domestic Violence Intervention activity to receive support services; allow JOBS support services for Domestic Violence Intervention activities; and amend housing and utilities payments allowances. These amendments support families with the added stress and complication of current domestic violence or the risk of domestic violence in the aftermath of severe and unusual winter storm conditions.

The rule text showing proposed changes is available at http://www.dhs.state.or.us/policy/selfsufficiency/ar_temporary.htm.

Need for the Rules

OAR 461-190-0211 needs to be amended because severe and unusual winter storm conditions have created additional hardships preventing some families from meeting basic housing needs during this season. During this same time, heating costs have also drastically increased due to winter storm conditions. While basic housing expenses have increased, severe winter storm conditions have closed or reduced operation hours of many Oregon businesses. The combination of increased housing and utility cost with loss of income have put many of Oregon's low-income families at further risk of unstable or loss of housing. A subset of our population are those families with the added stress and complication of current or risk of domestic violence. Current agency resources provided under the TADVS program are often not sufficient to meet housing needs. To provide additional support and resources to families surviving or at risk of additional domestic violence the support service rule is being amended allow support services payments necessary to obtain or maintain safe stable housing for participants experiencing or at risk of domestic violence. Total payments may not to exceed \$800 during a 90-day period. This rule is also being amended to allow JOBS-exempt individuals who are in a Domestic Violence Intervention activity to receive support services; allow JOBS support services for Domestic Violence Intervention activities; and amend housing and utilities payments allowances. These payments are subject to the participants having a Domestic Violence JOBS plan and the depletion of all funds available in the standard TADVS payment allowance of \$1,200.

Documents Relied Upon

None

Justification of Temporary Rules

The Department finds that failure to act promptly by amending OAR 461-190-0211 will result in serious prejudice to the public interest, the Department, and families at risk of domestic violence. Severe and unusual winter storm conditions have created additional hardships preventing some families from meeting basic housing needs during this season. During this same time, heating costs have also drastically increased due to winter storm conditions. While basic housing

expenses have increased, severe winter storm conditions have closed or reduced operation hours of many Oregon businesses. The combination of increased housing and utility cost with loss of income have put many of Oregon's low-income families at further risk of unstable or loss of housing. A subset of our population are those families with the added stress and complication of current or risk of domestic violence. The Department needs to proceed by temporary rule because the benefits in this rule change needed immediately by these families.

461-190-0211

Eff. 7-1-16 Temporary Effective - 3-01-17 to 6-30-17

Case Plan Activities and Standards for Support Service Payments; JOBS, Post-TANF, Pre-TANF, REF, SFPSS, TA-DVS, TANF

In the JOBS, Post-TANF, Pre-TANF, REF, SFPSS, TA-DVS, and TANF programs, notwithstanding any other administrative rule in chapter 461 and subject to the limitations of state funding, the following special provisions apply:

- (1) Participation in an *activity* (see OAR 461-001-0025) is available to the following individuals:
 - (a) An individual who is an adult parent, *needy caretaker relative* (see OAR 461-001-0000), or *teen parent* (see OAR 461-001-0000) receiving TANF who is not otherwise *exempt* (see OAR 461-130-0305) and in accordance with participation requirements in OAR 461-130-0310.
 - (b) An individual who is an applicant or recipient in the Pre-TANF, Post-TANF, or SFPSS program.
 - (c) Subject to local services and budget, an individual who is *exempt* from JOBS requirements as a one-parent household with a *dependent child* (see OAR 461-001-0000) under six months of age and has approved activities as specified in the individual's *case plan* (see OAR 461-001-0025).
 - (d) Subject to local services and budget, an individual who is *exempt* from JOBS requirements and actively engaged in Domestic Violence Intervention activities.
 - ~~(de)~~ An individual who has gone over-income for the TANF program due to earnings and needs to increase *activity* hours to meet Post-TANF *federally required participation rates* (see OAR 461-001-0025).
 - ~~(ef)~~ An individual who has become over-income for the TANF program due to earnings in an *on-the-job training* (see OAR 461-001-0000) *activity* is eligible to receive *support services* (see OAR 461-001-0025) for no more than three months, unless circumstances unique to the situation are identified and warrant the Department to approve a limited number of additional months. Eligibility for *support services* under this subsection is only permitted while the individual continues to participate in the *on-the-job training activity*.
- (2) For eligible individuals, subject to the requirements and limitations in sections (1), (5), (6), and (7) of this rule, the following activities are available, and include *support services* payments if needed:
 - (a) *Job search* (see OAR 461-001-0025).

- (b) *JOBS Plus* (see OAR 461-001-0025 and OAR 461-101-0010) is limited to six months per individual, unless circumstances unique to the employment situation are identified and warrant the Department to approve a limited number of additional months.
 - (c) *Work experience* (see OAR 461-001-0025).
 - (d) *Supported work* (see OAR 461-001-0025).
 - (e) *High School or GED Completion Attendance* (see OAR 461-001-0025).
 - (f) *Parents as Scholars* (see OAR 461-001-0025).
 - (g) *Limited family stability* (see OAR 461-001-0000) *activity*.
 - (A) *Drug and alcohol services* (see OAR 461-001-0025).
 - (B) *Mental health services* (see OAR 461-001-0025).
 - (C) *Attending medical appointments or services*.
 - (D) *Rehabilitation activities* (see OAR 461-001-0025).
 - (E) *Crisis Intervention* (see OAR 461-001-0025).
 - (F) *SSI application process*.
 - (G) *Domestic Violence Intervention*
 - (h) *Vocational training* (see OAR 461-001-0025).
 - (i) *Life skills* (see OAR 461-001-0025).
 - (j) *On-the-job training*.
 - (k) *Unsubsidized employment (work)*.
 - (L) *Adult Basic Education* (see OAR 461-001-0025).
 - (m) *Job skills training* (see OAR 461-001-0025).
 - (n) *Self-initiated training* (see OAR 461-001-0025).
- (3) The following activities do not include *support services* payments:
- (a) ~~*Domestic Violence Intervention*~~.

| (ba) Family Support & Connections.

| (eb) *Microenterprise* (see OAR 461-001-0000).

| (dc) Post-TANF.

| (ed) *Program entry* (see OAR 461-001-0025).

(4) Participation in an *activity* is based on whether an individual is Job Ready, Near Job Ready, Not Job Ready, or a *teen parent*.

(a) Job Ready means the individual has no *barrier* (see OAR 461-001-0025) or current barriers do not impact participation or employment. In addition, the individual has all of the following:

(A) Prior stable work history, either paid or unpaid.

(B) Had not voluntarily quit or been dismissed from his or her *most recent employment* (see OAR 461-135-0070) without *good cause* (see OAR 461-135-0070).

(C) Reliable or available transportation.

(D) No outstanding legal issues that would impact or prevent employment.

(E) Access to reliable child care within *support services* limits, or does not need help to pay for child care, or does not need child care.

(b) Near Job Ready means the individual has minimal barriers to participation or employment and the individual is addressing the barriers. In addition, the individual has all of the following:

(A) Limited or no work history, either paid or unpaid.

(B) Reliable or available transportation.

(C) No outstanding legal issues that would impact or prevent employment, or such legal issues are identified and are being addressed.

(D) Access to reliable child care within *support services* limits, or does not need help to pay for child care, or does not need child care.

(c) Not Job Ready means the individual has one or more barriers to participation or employment or is in crisis, and the individual is not addressing the barriers. For example, the individual has one or more of the following:

- (A) Lack of stable housing that is preventing participation in an *activity* or employment.
 - (B) *Domestic violence* (see OAR 461-001-0000), mental health, or alcohol and drug issues, and the individual is not addressing the issue.
 - (C) Medical issues that prevent participation in an *activity* or employment.
 - (D) Outstanding legal issues that would impact or prevent employment.
 - (E) Literacy issues that impact the ability for the individual to participate in an *activity* or obtain employment.
 - (F) Other *family stability* issues that need to be addressed.
- (5) In approving JOBS program *support services* payments, the Department must consider lower cost alternatives. This rule is not intended to supplant Department funding with other funding that is available in the community. The expectation of the Department is that case managers and clients work collaboratively to seek resources that are reasonably available to the client in order to participate in activities.
- (6) Payments for *support services* are only provided when:
- (a) Necessary to participate in activities in a signed *case plan*;
 - (b) Authorized in advance; and
 - (c) All other provisions of this rule are met.
- (7) Payments for *support services* are subject to the following limitations:
- (a) Child Care. Payments for child care may be authorized, as limited by OAR 461-160-0040, if necessary to enable Job Ready or Near Job Ready individuals or teen parents to participate in an approved JOBS program *activity* specified in the individual's *case plan*, including a Not Job Ready individual approved by the district to complete a *family stability activity*. If authorized, payment for child care is:
 - (A) The lesser of the actual rate charged by the care provider and the rate established in OAR 461-155-0150. The Department rate for children in care less than 158 hours in a month is limited by OAR 461-155-0150.
 - (B) The minimum hours necessary, including meal and commute time, for the individual to participate in an approved JOBS program *activity*.

- (b) Transportation. The Department may provide payments for a Job Ready or Near Job Ready individual or *teen parent* for transportation costs incurred in travel to and from an approved JOBS program *activity* or a Not Job Ready individual approved by the district to complete a *family stability activity*. Payment is made only for the cost of public transportation or the cost of fuel. Payments are subject to the following considerations:
- (A) Payment for public transportation is a priority over payment for a privately owned vehicle.
 - (B) Payment for fuel costs for a privately-owned vehicle is provided if the client or individual providing the transportation reports having a valid driver's license and vehicle insurance and either of the following is true:
 - (i) No public transportation is available or the client is unable to use public transportation because of a verifiable medical condition or disability for which no accommodation is available.
 - (ii) Public transportation is available but is more costly than the cost of fuel.
- (c) Housing and Utilities. Payments for housing and utilities are not allowed with the exception -of payments necessary to obtain or maintain safe stable housing for any participant(s) experiencing or at risk of domestic violence. Total payments for a benefit group (see OAR 461-110-0750) may not exceed \$800.00 during a 90--day period.-
- (d) Other Payments. When the need is identified by the district and no other sources are available, the Department may provide other payments needed --
- (A) To look for work.
 - (B) To accept a job offer.
 - (C) To attain a high school diploma or GED.
 - (D) For books and supplies to complete a district-approved *vocational training*.
 - (E) Other payments with manager approval that are not otherwise restricted by rule.
- (e) None of the following payments are allowed:
- (A) Non-essential items.

- (B) Television, cable, and Internet.
 - (C) Fines, reinstatement fees, restitution, legal fees, civil fees, court costs, or other costs associated with a penalty.
 - (D) Purchase of a car, recreational vehicle, or motor home.
 - (E) *Support services* for *exempt* individuals.
 - (F) Pet-related costs.
 - (G) ERDC co-payments.
- (8) The Department may require an individual to provide verification of a need for, or costs associated with, *support services* prior to approval and issuance of payment if verification is reasonably available.
- (9) The Department may reduce, close, or deny in whole or in part a request for a *support services* payment in the following circumstances:
- (a) The individual is disqualified for failing to comply with a *case plan*, unless the payment in question is necessary for the individual to demonstrate cooperation with his or her *case plan*.
 - (b) The purpose for the payment is not related to the individual's *case plan*.
 - (c) The individual disagrees with a *support services* payment offered or made by the Department as outlined in the individual's *case plan*.
 - (d) The individual is not determined to be a Job Ready or Near Job Ready individual under section (1) of this rule, a Not Job Ready individual in a *family stability activity*, or a *teen parent*.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.121, 412.006, 412.009, 412.014, 412.049, 412.124

Stats. Implemented: ORS 409.010, 411.060, 411.070, 411.121, 412.001, 412.006, 412.009, 412.014, 412.049, 412.124