

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
March 10, 2017 by the

Department of Human Services, Office of Self-Sufficiency Programs	461
Agency and Division	Chapter Number
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Rules Coordinator	Address	Telephone	Email
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to become effective March 10, 2017 through September 5, 2017.*

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

Rule Caption: **Amending Two Rules that Apply to SNAP Time Limit Counties**

In the Matter of: **Temporary Amendments of OAR 461-170-0011 and OAR 41-170-0101**

AMEND: 461-170-0011 and 461-170-0101

ORS 409.050, 411.060, 411.070, 411.404, 411.816, 412.014, 412.049

Stat. Auth.

7 USC 2015(o), 7 CFR 273.12, 7 CFR 273.24

Other Auth.

ORS 409.010, 411.060, 411.070, 411.081, 411.087, 411.404, 411.816, 412.014, 412.049

Stats. Implemented

Rule Summary

OAR 461-170-0011 regarding the changes a client in the SNAP program must report is being amended to include any time limit county as an area in Oregon whose residents must report if their work hours drop below 20 hours a week. OAR 461-170-0101 regarding when a SNAP household may use the simplified reporting system is being amended to any time limit county as an area in Oregon whose residents may have a less than 6-month certification period and use simplified reporting. Oregon is required by federal law to implement SNAP time limits in certain

counties as the economy improves. These rules changes immediately affect clients in Clackamas County.

The rule text showing changes is available at

http://www.dhs.state.or.us/policy/selfsufficiency/ar_temporary.htm.

Need for the Rules

OAR 461-170-0011 and OAR 461-170-0101 need to be amended to properly implement federal requirements setting SNAP time limits in certain Oregon counties as the economy improves. These two rules only covered Multnomah and Washington counties. The amended rules will cover any time limit county and will have an immediate effect on clients in Clackamas County. Under the amended rules, residents in any time limit county must report if their work hours drop below 20 hours a week, and may have a less than 6-month certification period and use simplified reporting.

Documents Relied Upon

USDA Food and Nutrition Service, ABAWD Time Limit Policy and Program Access, November 19, 2015, available at <http://www.fns.usda.gov/sites/default/files/snap/ABAWD-Time-Limit-Policy-and-Program-Access-Memo-Nov2015.pdf>

Justification of Temporary Rules

The Department finds that failure to act promptly by amending OAR 461-170-0011 and 461-170-0101 will result in serious prejudice to the public interest and the Department because the Department will not be properly implementing federal requirements that set time limits for SNAP clients in certain Oregon counties, which now include Clackamas County. The Department needs to proceed by temporary rule because the Department is determining eligibility for SNAP clients in Clackamas County on a continuous basis.

- (1) A change in employment status is considered to occur as follows:
 - (a) For a new job, the change occurs the first day of the new job.
 - (b) For a job separation, the change occurs on the last day of employment.
- (2) A change in source of income is considered to occur as follows:
 - (a) For earned income, the change occurs upon the receipt by the individual of the first paycheck from a new job or the first paycheck reflecting a new rate of pay.
 - (b) For unearned income, the change occurs the day the individual receives the new or changed payment.
- (3) An individual must report, orally or in writing, the following changes:
 - (a) In the ERDC program, an individual must report the following changes within 10 days of occurrence:
 - (A) A change in child care provider.
 - (B) A change in employment status.
 - (C) A change in mailing address or residence.
 - (D) A change in membership of the filing group (see OAR 461-110-0350).
 - (E) A member of the filing group is discharged from the U.S. military and returning from active duty in a military war zone.
 - (F) A change in income above the ERDC income limit as defined in OAR 461-155-0150(5)(b) that is expected to continue.
 - (b) In the SNAP program:
 - (A) An ABAWD residing in one of the time limit counties (see OAR 461-135-0520), who is employed and assigned to CRS or SRS ~~who resides in Multnomah or Washington County and is employed,~~ must report a change in work hours when work hours are below 20 hours per week. This change must be reported within 10 days of occurrence.
 - (B) An individual assigned to CRS must report any of the following changes within 10 days of occurrence:

- (i) A change in earned income of more than \$100.
 - (ii) A change in unearned income of more than \$50.
 - (iii) A change in source of income.
 - (iv) A change in membership of the filing group (see OAR 461-110-0370) and any resulting change in income.
 - (v) A change in residence and the shelter costs in the new residence.
 - (vi) A change in the legal obligation to pay child support.
 - (vii) When the sum of cash on hand, stocks, bond, and money in a bank or savings institution account reaches or exceeds program resource limits.
 - (viii) Acquisition or change in ownership of a non-excluded vehicle.
- (C) An individual assigned to SRS must report when the monthly income of the filing group exceeds the SNAP *countable* (see OAR 461-001-0000) income limit by the tenth day of the month following the month of occurrence.
- (D) An individual assigned to TBA is not required to report any changes.
- (c) For Employment Payments (see OAR 461-135-1270) and JPI (see OAR 461-135-1260), an individual must follow the same reporting requirements as a SNAP client assigned to CRS, SRS, or TBA reporting systems (see OAR 461-170-0010).
- (d) In the GA, OSIP, OSIPM, and QMB programs, an individual must report all changes that may affect *eligibility* (see OAR 461-001-0000) within 10 days of occurrence, including any of the following changes:
- (A) A change in employment status.
 - (B) A change in health care coverage.
 - (C) A change in membership of the *household group* (see OAR 461-110-0210).
 - (D) A change in marital status.
 - (E) A change in residence.
 - (F) Except for QMB-BAS, QMB-SMB, and QMB-SMF, a change in resources.

- (G) A change in source or amount of income.
- (e) In the REF, SFPSS, and TANF programs, an individual assigned to CRS must report any of the following changes within 10 days of occurrence:
 - (A) Acquisition or change in ownership of a non-excluded vehicle.
 - (B) A change in earned income more than \$100.
 - (C) Employment separation.
 - (D) A change in membership of the *household group* (see OAR 461-110-0210).
 - (E) A change in marital status or other changes in membership of the filing group.
 - (F) A change in mailing address or residence.
 - (G) A change in pregnancy status of any member of the filing group.
 - (H) A change in source of income.
 - (I) A change in unearned income more than \$50.
 - (J) A change in who pays the shelter costs if the costs will be paid by a non-custodial *parent*.
 - (K) Sale or receipt of a resource that causes total resources to exceed program resource limits.
- (f) In the REFM program, an individual must report the following changes within 10 days of occurrence:
 - (A) A change in membership of the *household group* (see OAR 461-110-0210).
 - (B) A change in residence.

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.404, 411.706, 411.816, 412.014, 412.049, 413.085, 414.685

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.081, 411.404, 411.704, 411.706, 411.816, 411.825, 411.837, 412.014, 412.049, 413.085, 414.685, 414.826

461-170-0101
Simplified Reporting System (SRS); SNAP

Temporary — Eff. ~~13-10-16~~17

In the SNAP program:

- (1) OAR 461-170-0101 to 461-170-0104 establish and explain the Simplified Reporting System (SRS).
- (2) Except for an ABAWD (see OAR 461-135-0520) who resides in ~~Multnomah or Washington County~~one of the time limit counties (see OAR 461-135-0520) and who is certified for a four-month period, a filing group (see OAR 461-110-0310 and 461-110-0370) certified to receive SNAP program benefits for less than six months may not participate in SRS.
- (3) A filing group with a member working under a JOBS Plus agreement may not participate in SRS.

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

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