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PERMANENT ADMINISTRATIVE RULES

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June 5, 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 July 1, 2017.

Rulemaking Notice was published in the May 1, 2017 Oregon Bulletin.

Rule Caption: *Amending rules relating to self-sufficiency programs*

AMEND: 461-135-0485, 461-135-0491, 461-135-0493, 461-155-0180, 461-160-0430

REPEAL: 461-155-0180(T), 461-160-0430(T)

ORS 409.050, 411.060, 411.070, 411.816, 412.006, 412.049, 412.124

Stat. Auth.

7 CFR 273.9(d)(3)

Other Auth.

ORS 409.010, 411.060, 411.070, 411.816, 411.825, 411.837, 412.006, 412.049, 412.064, 412.124

Stats. Implemented

Rule Summary

OAR 461-135-0485 about employability screening requirements for the Pre-TANF and TANF programs is being amended to add a second option for the employability screening tool so the rule accurately reflects the Department's screening practices as it tests this new screening tool.

OAR 461-135-0491 about the Disaster Supplemental Nutrition Assistance Program (DSNAP) is being amended to define the term "household" to clarify these rules.

OAR 461-135-0493 about eligibility and benefit amounts for DSNAP is being amended to allow households in which a member worked in the disaster area at the time of the disaster to be eligible for DSNAP if they meet the other eligibility requirements. This change will align the rule with the state plan.

OAR 461-155-0180 about income standards used to determine eligibility in self-sufficiency programs is being amended to make permanent a temporary rule effective March 1, 2017 that updated the standards that apply 2017 federal poverty guidelines starting March 1, 2017.

OAR 461-160-0430 is being amended to make permanent a temporary rule change effective February 1, 2017 benefitting SNAP clients who are elderly or have disabilities by changing how the Department determines the medical deduction allowed for them, consistent with an approved waiver from the Food and Nutrition Service (FNS) so these clients qualify for additional food benefits to meet their needs. Under the amended rule, to determine the allowed deduction, the Department will first subtract \$35 from the total unreimbursed medical expenses. Then, for amounts between \$0.01 and \$170.01, \$170 will be deducted from income or, for amounts over \$170, the full cost amount will be deducted from income.

Requirement to Complete an Employability Screening and Overview of the Job Opportunity and Basic Skills (JOBS) Program; Pre-TANF and TANF

- (1) As used in this rule:
 - (a) "Employability screening" means the DHS 7823A - Employability Screening Tool or the DHS 7823C – Family Assessment.
 - (b) "Overview of the JOBS program" means a discussion with the *caretaker relative* (see OAR 461-001-0000) in the *need group* (see OAR 461-110-0630) about the requirements and services provided under the JOBS program.
- (2) To be eligible for Pre-TANF and TANF benefits, the following must be completed prior to the end of the application processing time frames in OAR 461-115-0190:
 - (a) Each *caretaker relative* in the *need group* must complete an *employability screening* (see section (1) of this rule); and
 - (b) At least one *caretaker relative* in the *need group* must participate in an *overview of the JOBS program* (see section (1) of this rule).
- (3) The *employability screening* and *overview of the JOBS program* must be offered during the initial eligibility intake for Pre-TANF and TANF program benefits.

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

Stats Implemented: ORS 409.010, 411.060, 411.070, 412.006, 412.049, 412.064, 412.124

461-135-0491

~~Tech. Eff. 1-1-107-1-~~

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Disaster Supplemental Nutrition Assistance Program (DSNAP)

- (1) OAR 461-135-0491 to 461-135-0497 apply only to the Disaster Supplemental Nutrition Assistance Program and only to a disaster benefit period and location authorized by the Food and Nutrition Service.
- (2) The regular SNAP program continues to operate during a disaster benefit period and continues to process applications and make eligibility determinations in the normal manner.
- (3) The following definitions apply to OAR 461-135-0491 to 461-135-0497:
 - (a) "DSNAP" refers to the Disaster Supplemental Nutrition Assistance Program.
 - (b) "FNS" refers to the Food and Nutrition Services, United States Department of Agriculture.
 - (c) "Household" refers to all individuals living and sharing food together at the time of the disaster who choose to apply together.

Stat. Auth.: ORS 411.816

Stats. Implemented: ORS 411.816

Eligibility and Benefit Amount for DSNAP

- (1) To be eligible for emergency SNAP assistance during a disaster, a ~~household~~ household (see OAR 461-135-0491) must meet all the following criteria:
 - (a) At the time the disaster struck, the ~~household~~ household must have resided or a member of the household must have worked within the geographical area authorized by Food and Nutrition Services (FNS) for disaster procedures. The ~~household~~ household may be certified for emergency SNAP assistance even if at the time of application it is occupying temporary accommodations outside the disaster area. However, the representative of the ~~household~~ household must be present at the disaster certification site to be certified for DSNAP assistance.
 - (b) The ~~household~~ household must purchase food during the disaster period authorized by FNS. A ~~household~~ household residing in a temporary shelter but not expected to remain in the shelter for the entire benefit period is eligible for DSNAP program benefits.
 - (c) The ~~household~~ household must have experienced at least one of the following adverse effects due to the disaster:
 - (A) Loss or inaccessibility of income involving a reduction or termination of income or a significant delay in receipt of income. This effect could occur if the disaster has caused a place of employment to close or reduce its work days, if pay checks or other payments are lost or destroyed, or if there is a significant delay in the issuance of pay checks or other payments. This effect could also occur if the work location is inaccessible due to the disaster.
 - (B) Inaccessibility of liquid resources. The ~~household~~ household is unable to reach its cash resources and is not expected to be able to access its liquid resources for most of the disaster benefit period authorized by FNS. This inaccessibility may occur because the financial institutions where the ~~household~~ household has its resources are closed due to the disaster.
 - (C) Loss of food.
 - (D) Real property damage. Damage to or destruction of the home or self-employment business of the ~~household~~ household.
- (2) To be eligible for emergency SNAP assistance during a disaster, the take-home pay of the ~~household~~ household for the disaster benefits period authorized by FNS, plus its cash resources (cash on hand and accessible funds in checking and savings accounts), less

disaster-related expenses, must be less than or equal to the DSNAP income standard for the size of the ~~household~~household.

- (a) For DSNAP, take-home pay includes all of the following to the extent accessible during the benefit period:
 - (A) The wages a ~~household~~household actually receives after taxes and other payroll withholdings are taken out.
 - (B) The assistance payment or other unearned income a ~~household~~household received.
 - (C) Self-employment income earned after taxes for personal income and social security as well as costs of producing the self-employment income are subtracted. Allowable costs of producing the self-employment income are described in OAR 461-145-0920, 461-145-0930, and 461-145-0931.
- (b) For DSNAP, disaster-related expenses include expenses the ~~household~~household has paid or is expected to pay for one of the following expenses during the disaster benefit period authorized by FNS if full reimbursement is not expected during this disaster benefit period. If the ~~household~~household has received or reasonably anticipates receiving a reimbursement for part or all of the expense during the disaster benefit period, only the net expense to the ~~household~~household is deductible. An expense charged to a credit card is not an allowable expense if the credit card bill is paid after the disaster benefit period. No expenses are considered other than the following:
 - (A) Expenses to repair damages to the home or other property of the ~~household~~household essential to the employment or self-employment of a household member;
 - (B) Expenses for temporary shelter during evacuation or if the home of the ~~household~~household is not livable or if the ~~household~~household cannot reach its home;
 - (C) Expenses related to protecting property from disaster damage, including payment for the packing and storage of the items;
 - (D) Expenses to clean up the home or business following the disaster;
 - (E) Expenses related to replacing necessary personal and ~~household~~household items, such as clothing, appliances, tools, and educational materials;
 - (F) Medical expenses for disaster-related injury to a person who was a ~~household~~household member at the time of the disaster (including funeral and burial expenses in the event of death);

- (G) Expenses to repair a vehicle damaged in the disaster;
 - (H) Pet boarding fees when a pet must be placed in boarding due to a disaster; and
 - (I) Dependent care expenses incurred during the disaster.
- (3) If the disaster benefit period is one month --
- (a) Income over that full month period and all accessible resources are counted;
 - (b) Disaster-related expenses (described in subsection (2)(b) of this rule) paid, or expected to be paid over that full month period, are deducted; and
 - (c) The maximum income limit is for a one-month period.
- (4) If the disaster benefit period is for one-half month --
- (a) Income over the half-month period and all accessible resources are counted;
 - (b) Disaster-related expenses (described in subsection (2)(b) of this rule) paid, or expected to be paid over this period, are deducted; and
 - (c) The disaster eligibility limit is one-half of the monthly SNAP maximum limit.
- (5) The full amount of accessible cash resources must be counted, regardless of the length of the disaster benefit period.
- (6) No DSNAP program benefits are authorized after the expiration of the period for which the Department is authorized by FNS to process and approve applications for this emergency SNAP assistance.
- (7) A ~~household~~ household determined eligible must receive benefits no later than three days after the date of application. If the third day falls on a weekend or holiday, benefits must be issued on either --
- (a) The second day; or
 - (b) The first day if the second day is also a weekend or holiday.

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Income Standards; Not OSIP, OSIPM, QMB

- (1) A Department program may cite this rule if the program uses a monthly income standard based on the federal poverty level or state median income. The standards in this rule are effective as of March 1, ~~2016~~2017.
- (2) A monthly income standard set at 100 percent of the 2016 federal poverty level is set at the following amounts:

Size of Group	Standard
1	\$ 990
2	1,335
3	1,680
4	2,025
5	2,370
6	2,715
7	3,061
8	3,408
9	3,755
10	4,102
+1	+347

- (3) A monthly income standard set at 130 percent of the 2016 federal poverty level is set at the following amounts:

Size of Group	Standard
1	\$1,287
2	1,736
3	2,184
4	2,633
5	3,081
6	3,530
7	3,980
8	4,430
9	4,881
10	5,332
+1	451

- (4) A monthly income standard set at 185 percent of the ~~2016~~2017 federal poverty level is set at the following amounts:

Size of Group	Standard
1	\$1, 832 <u>860</u>

2	<u>2,470,504</u>
3	<u>3,108,149</u>
4	<u>3,747,795</u>
5	<u>4,385,437</u>
6	<u>5,023,082</u>
7	<u>5,663,726</u>
8	<u>6,304,371</u>
9	<u>6,9467,016</u>
10	<u>7,588,661</u>
+1	<u>+642,645</u>

- (5) A monthly income standard set at 200 percent of the 2016 federal poverty level is set at the following amounts:

Size of Group	Standard
1	\$1,980
2	2,670
3	3,360
4	4,050
5	4,740
6	5,430
7	6,122
8	6,815
+1	+694

- (6) A monthly income standard set at 250 percent of the ~~2016~~-2017 federal poverty level is set at the following amounts:

Size of Group	Standard
2	<u>\$3,338,385</u>
3	<u>4,200,255</u>
4	<u>5,063,125</u>
5	<u>5,925,998</u>
6	<u>6,788,868</u>
7	<u>7,653,738</u>
8	<u>8,520,610</u>

- (7) A monthly income standard set at 350 percent of the 2016 federal poverty level is set at the following amounts:

Size of Group	Standard
1	\$3,465
2	4,673
3	5,880
4	7,088

5	8,295
6	9,503
7	10,713
8	11,927
9	13,140
10	14,353
+1	1,214

- (8) A monthly income standard set at 85 percent of the ~~2016-2017~~ state median income is set at the following amounts:

Size of Group	Standard
2	\$ 3,386,493
3	4,183,315
4	4,979,137
5	5,776,929
6	6,573,781
7	6,722,935
8	6,871,089

Stat. Auth.: ORS 409.050, 411.060, 411.070, 411.816, 412.014, 412.049
Stats. Implemented: ORS 409.010, 411.060, 411.070, 411.816, 412.014, 412.049

Income Deductions; SNAP

- (1) Deductions from income are subtracted from *countable* (see OAR 461-001-0000) income (see OAR 461-140-0010) in the following order to determine *adjusted income* (see OAR 461-001-0000) for the SNAP program:
 - (a) An earned income deduction of 20 percent of *countable* earned income. The 20 percent deduction is not taken from the wages funded by grant diversions such as Work Supplementation wages.
 - (b) A standard deduction of:
 - (A) \$157 per month for a *benefit group* (see OAR 461-110-0750) of one, two, or three individuals.
 - (B) \$168 per month for a *benefit group* of four individuals.
 - (C) \$197 per month for a *benefit group* of five individuals.
 - (D) \$226 per month for a *benefit group* of six or more individuals.
 - (c) A dependent care deduction for dependent care costs billed to a member of the *filing group* (see OAR 461-110-0370) and not paid for through any other program of the Department. For the cost to be deductible under this section, the care must be necessary to enable a member of the *filing group* to--
 - (A) Accept or continue employment;
 - (B) Seek employment, including a job search that meets the requirements of a *case plan* (see OAR 461-001-0020); or
 - (C) Attend vocational or educational training. A student receiving educational income is entitled to a deduction only for costs not excluded from educational income by OAR 461-145-0150.
 - (d) The medical deduction for *elderly* (see OAR 461-001-0015) individuals and individuals who have a *disability* (see OAR 461-001-0015) in the *filing group*. The deduction is calculated by determining the total of their deductible medical costs (see OAR 461-160-0415) and subtracting \$35. ~~The remainder is the medical deduction. The Department uses the resulting amount to determine the allowable deduction as follows:~~
 - (A) For an amount less than \$0, no deduction is allowed.

(B) For an amount greater than \$0 but less than \$170.01, a deduction of \$170 is allowed.

(C) For an amount greater than \$170, a deduction of the amount determined under this subsection is allowed.

- (e) A deduction for child support payments (including cash medical support) a member of the *filing group* makes under a legal obligation to a *child* (see OAR 461-001-0000) not a member of the *filing group*, including payments for the current month and for payments on arrearages. Child support is not deductible if collected by setoff through the Oregon Department of Revenue or by interception of a federal tax refund.
- (f) A shelter deduction, calculated as follows:
- (A) For SNAP *filing group* members required to pay room and board in a *nonstandard living arrangement* (see OAR 461-001-0000), the shelter deduction is--
- (i) The cost of room and board, minus the payment standard for the *benefit group*; or
 - (ii) The actual room cost, if the individual can prove that the room cost exceeds the cost described in subparagraph (i) of this paragraph.
- (B) For all other *filing group* members, the shelter deduction is calculated as follows:
- (i) The standard deduction and the deductions of earned income, dependent care, court-ordered child support, and medical expenses are subtracted from *countable* income. Fifty percent of the remainder is subtracted from the shelter cost calculated in accordance with OAR 461-160-0420.
 - (ii) The rounded balance is the deduction, except the deduction is limited if the *filing group* has no member who has a *disability* or is *elderly*. The limit is \$517 per month.
- (2) If a *filing group* member cannot verify a medical or court-ordered child-support expense or cannot verify any other expense when asked to do so, the unverified expense is not used to calculate the deduction. If the individual provides verification, the deduction is applied when calculating the next month's benefits. If verification is provided within the period authorized for processing applications (see OAR 461-115-0210), the benefits for the *initial month* (see OAR 461-001-0000) are recalculated using the deduction.

461-160-0430

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

Stats. Implemented: ORS 409.010, 409.050, 411.060, 411.070, 411.816, 411.825, 411.837